

Divorce (continued)

1. Genesis 4:19-24

And Lamech took two wives; one was named Adah and the other was named Tzilah...

2. Rashi to Genesis 38:7

And why did Er destroy his seed? Lest she become pregnant, such that her beauty would be diminished.

3. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Kings and their Wars 9:8

At what point is [a non-Jew's] wife like our divorcee? When he removes her from his home and sends her off on her own, or when she leaves his domain and goes off. They don't have divorce by text, and it is not dependent on him [to initiate it]; any time he or she wishes to separate from each other, they separate.

4. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Divorce 2:20

If the law is that we compel this person to divorce his wife, and he does not wish to divorce, then a Jewish court of any place or time strikes him until he says, "I wish it," and he writes the *get* and it is kosher... And why is this *get* not void, for he has been forced!... The term "forced" only applies to one who has been pressured to do that which the Torah does not obligate him to do, such as one who is struck until he sells or gives away property. But one whose evil nature forces him not to fulfill a mitzvah or to perform a transgression, and he is struck until he does that which he is obligated to do or until he abandons that which he is prohibited from doing, is not called "forced". He has forced himself [to refuse] due to his wicked mind. Therefore, this man who does not wish to divorce, since he wishes to be a Jew, he truly wishes to perform all of the mitzvot and to distance himself from transgression, and it's just that his nature forces him [to refuse]. Once he is struck to the point where his desire diminishes, and he says, "I wish it," he has divorced willingly.

5. Today

- Coercion https://en.wikipedia.org/wiki/2013_New_York_divorce_torture_plot
- Prenuptial Agreements <http://theprenup.org/prenupforms.html>

6. Family Law Act of Ontario, Section 2

(6) When a party fails to comply with subsection (5),

(a) if the party is an applicant, the proceeding may be dismissed;

(b) if the party is a respondent, the defence may be struck out. R.S.O. 1990, c. F.3, s. 2 (6).

7. Mishnah Gittin 9:10

The School of Shammai says: One may not divorce his wife unless he finds a matter of *ervah*...

And the School of Hillel says: Even if she burns his food...

Rabbi Akiva says: Even if he finds another who is more attractive...

LGBT Issues

8. Naomi Grossman, *Gay and Orthodox*, Moment Magazine, April 2001

Later this year with the release of the documentary film Trembling Before G-d, the painful lives of gay Orthodox Jews will play out unflinchingly on movie screens nationwide... And with this exposure comes the growing realization by gay Orthodox Jews that there are others like them out there. Five years ago, when three gay Orthodox friends founded a support group called the Gay and Lesbian Yeshiva Day School Alumni Association (GLYDSA), Orthodox homosexuals were much more isolated. "Gay Orthodox people didn't exist in the eyes of the Orthodox world then," says "Chaim," a New York area professional who was at the group's first meeting. "If you didn't know any other gay Orthodox Jews, you carried around this really dark secret." Today, says Chaim, all of that is changing. The underground community is growing, allowing gay Orthodox Jews to associate with each other. "We come from all kinds of families and all kinds of backgrounds," Chaim says. "We are everywhere."

9. Adam Jessel, *Unsung Heroes*, Jewish Action, February 2003

The problem with Trembling is not so much what it shows as what it leaves out. Where are the stories of those who don't act on their homosexual attractions, those who simply feel that sexual desire is not a license to violate a Divine imperative? Aren't their struggles powerful and inspiring as well? Here again, the liberal mantra of "diversity and inclusion" does not apply to those who strive to adhere to the halachah (Jewish law).

The Stance of Jewish Law

10. Leviticus 18:22

And with a male you shall not live as you live with a woman; it is *to'evah*.

11. Talmud, Nedarim 51a

תועה אתה בה = תועבה

12. Rabbi Joel Wolowelsky & Rabbi Bernard Weinstein, *Initial Religious Counseling for a Male Orthodox Adolescent Homosexual*, Tradition 29:2 (1995)

It is interesting to speculate why the Torah stresses that homosexual acts are an "abomination" (Lev. 18:22; 20:13) along with the other prohibited abominable sexual acts (Lev. 18:26-29), just as it labels unkosher food "abominations" (Dt. 14:3). But that is neither here nor there. The Torah forbids these because they are quite normal but - in the Torah's view - improper. Sometimes we can understand the reason for a prohibition; indeed, the argument against homosexuality is as cogent as that in support of kashrut. But whether or not we understand the rationale of a specific prohibition, we can assume that any Torah prohibition implies that it is something which is part of the common human situation that is being prohibited.

13. Will Dahlgreen, *1 in 2 young people say they are not 100% heterosexual*, YouGov.uk (2015)

With each generation, people see their sexuality as less fixed in stone. The results for 18-24 year-olds are particularly striking, as 43% place themselves in the non-binary area between 1 and 5 and 52% place themselves at one end or the other. Of these, only 46% say they are completely heterosexual and 6% as completely homosexual.

14. Talmud, Eruvin 18a

וויצר - Woe to me from my nature (*yetzer*), woe to me from my Creator (*yotzeir*)!

15. Rabbi Tzaddok haKohen of Lublin (19th century Poland), Tzidkat haTzaddik 43

Sometimes a person will face a test which is so great that it is impossible for him not to sin; it is as the Sages said, "What could the boy do, to avoid sinning?"

16. Genesis 1:1, 1:22, 1:28

In the beginning of G-d's creation of the heavens and the earth...

And G-d blessed them, saying: Bear fruit and multiply and fill the water in the seas...

And G-d blessed them, and G-d told them: Bear fruit and multiply and fill the land...

17. Rabbi Aharon haLevi (13th century Spain), Sefer haChinuch 209

Among the roots of this mitzvah is this: G-d wishes the world He created to be settled. Therefore He commanded that they not waste seed in homosexual relations...

18. Maimonides (12th century Egypt), Letter to the Jews of Morocco, Part 3

Achav ben Omri, who denied G-d and worshipped idols – and about whom G-d testified, "There was never another like Achav" – fasted for two and a half hours, and then, the sages taught, the decree upon him was voided... G-d did not cheat him of the reward...

19. Jerusalem Talmud, Nedarim 9:4

It is written, "Love your neighbor as yourself." Rabbi Akiva commented: This is a great, overarching principle in the Torah. Ben Azzai taught: "This is the book of the genealogy of Man; Man was created in the image of G-d.' This is an even greater overarching principle."