



## Goldilocks and the Three Orthodoxies: Emergent Voices and Visions

### Halakhic Idealism

#### 1 Rabbi Joseph Dov Soloveitchik, Mah Dodech Midod, "BeSod haYachad ve-haYachid", p. 77-78.

[Halacha] has its own unchanging rhythm. It is pure thought, purified from emotional roots. It is not dependent on outside factors or upon human reactions to them" (77). If halakhic thought is dependent upon emotional factors, then it loses all of its objectivity and is reduced to the level of subjectivity that has no substance" (78). Psychologizing or sociologizing of the halakha would constitute a mortal attack . . . (78)

### Halakhic Realism

#### 2. Eliezer Berkovits, Not in Heaven: The Nature and Function of Halakha, p. 71-73.

Halakha is the wisdom of the application of the written word of the Torah to the life and history of the Jewish people. However, this wisdom and its implementation cannot be contained in any book. No written word can deal in advance with the innumerable situations, changes of circumstances, and new developments that normally occur in the history of men and nations. . . . The divine truth had to be poured into human vessels; it had to be 'humanized.' . . . The 'humanization' of the word of God requires that in applying Torah to the human condition, one takes into consideration human nature and its needs, human character and its problems, the human condition in its forever-fluctuating dimension, the Jew and the Jewish people in their unique historical reality.

#### 3. Ecclesiastes 4:1

I further observed all the oppressions that go on under the sun. Behold, the tears of the oppressed, there is no one to comfort them. In the hands of their oppressors there is power, and there is no one to comfort them.

#### 4 Leviticus Rabba 32:8, VaYetze

Daniel the Tailor explained that the text was speaking about *mamzerim*. *Behold the tears of the oppressed*—Their fathers sinned, but what has it to do with these insulted ones! The father of this one went to a woman forbidden to him, but how did this child sin, and how does it concern him? *There is no one to comfort them...but in the hands of their oppressors there is power*—These are the hands of the Great Sanhedrin (Court) of Israel, which moves against them with the authority of the Torah and removes them from the community because it is written: "A *mamzer* shall not enter into the congregation of the Lord." (Deuteronomy 23:3) *And there is no one to comfort them*—Therefore, says the Holy One, blessed be He: "It is upon Me to comfort them." In this world there are unworthy ones among them; but regarding the times of the Messiah, Zechariah prophesied: "Behold I see them all like pure gold." For this is symbolized by his vision: "I saw, and behold, it was an oil lamp of pure gold." (Zechariah 4:2)

## Goldilocks and the Three Orthodoxies: Strategies For Finding the Right Bed

### Haredi Formalism

#### 5. Declaration on the Torah Approach to Homosexuality (2/2012)

##### There are no "homosexuals"

The Torah makes a clear statement that homosexuality is not an acceptable lifestyle or a **genuine identity** by severely prohibiting its conduct. Furthermore, the Torah, ever prescient about negative secular influences, warns us in Vayikra (Leviticus) 20:23 "Do not follow the traditions of the nations that I expel from before you..." Particularly the Torah writes this in regards to homosexuality and other forbidden sexual liaisons.

##### Reality Obeys Ideology: Same-Sex Attractions Can Be Modified And Healed

We emphatically reject the notion that a homosexually inclined person cannot overcome his or her inclination and desire. Behaviors are changeable. The Torah does not forbid something which is impossible to avoid. Abandoning people to lifelong loneliness and despair by denying all hope of overcoming and healing their same-sex attraction is heartlessly cruel. Such an attitude also violates the biblical prohibition in Vayikra (Leviticus) 19:14 "and you shall not place a stumbling block before the blind." The concept that G-d created a human being who is unable to find

happiness in a loving relationship unless he violates a biblical prohibition is neither plausible nor acceptable. G-d is loving and merciful. Struggles, yes, difficult struggles, along with healing and personal growth are part and parcel of this world. Impossible, life long, Torah prohibited situations with no achievable solutions are not.

### **Conflicted Traditionalism**

#### **6. Statement of Principles on the Place of Jews with a Homosexual Orientation in Our Community** *Originally*

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##### **Dignity?**

(From Principle 1) All human beings are created in the image of God and deserve to be treated with dignity and respect (*kevod haberiyot*)...Embarrassing, harassing or demeaning someone with a homosexual orientation or same-sex attraction is a violation of Torah prohibitions that embody the deepest values of Judaism. ...

(From Principle 3) Halakhah sees heterosexual marriage as the ideal model and sole legitimate outlet for human sexual expression. The sensitivity and understanding we properly express for human beings with other sexual orientations does not diminish our commitment to that principle...Halakhic Judaism views all male and female same-sex sexual interactions as prohibited.

**Nature or Nurture?** (Repeated in Principles 2 and 4) The question of whether sexual orientation is primarily genetic, or rather environmentally generated, is irrelevant to our obligation to treat human beings with same-sex attractions and orientations with dignity and respect...The question of whether sexual orientation is primarily genetic, or rather environmentally generated, is irrelevant to this prohibition.

##### **Change?**

(From Principle 5) Whatever the origin or cause of homosexual orientation, many individuals believe that for most people this orientation cannot be changed. Others believe that for most people it is a matter of free will. Similarly, while some mental health professionals and rabbis in the community strongly believe in the efficacy of “change therapies”, most of the mental health community, many rabbis, and most people with a homosexual orientation feel that some of these therapies are either ineffective or potentially damaging psychologically for many patients. We affirm the religious right of those with a homosexual orientation to reject therapeutic approaches they reasonably see as useless or dangerous.

##### **Full Welcome?**

(From Principle 8) Accordingly, Jews with homosexual orientations or same sex-attractions should be welcomed as full members of the synagogue and school community...We do not here address what synagogues should do about accepting members who are openly practicing homosexuals and/or living with a same-sex partner. Each synagogue together with its rabbi must establish its own standard with regard to membership for open violators of halakha. Those standards should be applied fairly and objectively.

Halakhic Judaism cannot give its blessing and imprimatur to Jewish religious same-sex commitment ceremonies and weddings, and halakhic values proscribe individuals and communities from encouraging practices that grant religious legitimacy to gay marriage and couplehood. But communities should display sensitivity, acceptance and full embrace of the adopted or biological children of homosexually active Jews in the synagogue and school setting, and we encourage parents and family of homosexually partnered Jews to make every effort to maintain harmonious family relations and connections.

#### **7. Ohness Rahmana Patrei, Rabbi Shlomo Riskin**

“How can we deny a human being the expression of his physical and psychic being? If there’s a problem with the kettle, blame the manufacturer. Is it not cruel to condemn an individual from doing that which his biological and genetic make-up demand that he do? The traditional Jewish response would be that if indeed the individual is acting out of compulsion, he would not be held culpable for his act.”

##### **Generous Orthodoxy**

#### **8. Rabbi Yosef Kanefsky, *A More Modern View of Homosexuality*, Dec 5, 2012**

The statement of the RCA however, quietly, boldly and courageously breaks new ground. In recognizing that there is no evidence that reparative therapy is effective, and that there is, consequently, no obligation to pursue it, our community is acknowledging that homosexuality may very well be simply part of the human condition. Accordingly, we have decided that

homosexuals should not any longer have to pay the psychological, emotional and even physical price for our theological comfort. We have effectively designated our theological question as a *teyku*, one whose answer still needs to be determined. But one that will, meanwhile, not prevent us from seeing the human truths in front of our eyes.

**9. Rabbi Benny Lau** said to the throngs in Zion Square following the stabbings at the Jerusalem Pride March: “Our hands have not shed this blood is impossible to say! Because....our hands have shed this blood.

**10. Rabbi Nathan Lopes Cardozo** in the documentary, Trembling Before G-d, said: “It is not possible for the Torah to come and ask a person to do something which he is not able to do. Theoretically speaking it would be better for the homosexual to live a life of celibacy. I just would argue one thing—it’s completely impossible. It doesn’t work. The human force of sexuality is so big it can’t be done.”

**11. Rabbi Elkanah Sherlo**, commented in a response in Haaretz, July 15, 2016: "Fear dominates the religious, political and social world. Fear of gays and fear of Reformists and the fear of anyone who doesn't think or act like me. I don't want to live like that," Rabbi Sherlo said.

**12. Rabbi Dror Moshe Cassouto**, Video Presentation on The Emunah Channel (<https://emunahchannel.com/a-rabbis-different-approach-to-homosexuality-rav-dror/>) Regarding the recent parade in Tel Aviv it seems that we are going down the same path as the generation of the flood. There were 200,000 marching in solidarity to show support for people who are openly involved in sin. Not just any sin, but one God calls abomination. How are we supposed to react to these disturbing events?

I want to tell you that I don't see them so guilty like you do. I know what is written in the torah kedosha, the torah kedosha is saying that it's not allowed...and that you need to kill the person that does this. But you know that it's written that a person who violates shabbos you have to kill him, execute him. That what's written. Are we really going to take a gun and start slaughtering people? Why not? Isis are doing it, but we don't think that that's the will of Hashem. ...We don't believe that that's the real will of hashem yitbarach even though is written in the Torah. We're going to put all of our effort to read between the lines to determine what is the real intention of Hashem Yitbarah, the Atika Kadisha! I want to tell you that this is a question that huge righteous people that I met with met didn't know the answer and still don't know the answer to this....I know.....A married woman mother of 3 was miserable with her marriage...and now is in love with a woman. A man who....from the age of 3, the felt like a little girl trapped in a boy's body. You cannot judge him with the mindset of the Torah Kedosha. Open your eyes. It's Reality.

### ***The Greatest Challenge to 'Emunah' of our Time, Sept. 14, 2016***

#### **13 Rabbi Ari Segal, Head of School at Shalhevet Academy in Los Ang**

This may surprise many adults, but the reconciliation of the Torah's discussion of homosexuality represents the single most formidable religious challenge for our young people today. More young people are “coming out” than ever before, and that repeatedly puts a face to this theological challenge. These weighty issues do not live in the abstract; they powerfully and emotionally impact genuine individuals living in our Orthodox community, with real life families and friends. What may seem like an interesting sociological debate in truth is creating crushing pain, anxiety, and general turmoil for people about whom we care deeply.

As they go off to college, students invariably face the painful moral dilemma created by the seemingly intractable conflict: believing in the primacy and validity of the Torah on the one hand, and following their hearts' sense of morality with regard to loving and accepting their gay friends – or perhaps “coming out” themselves—on the other. All too often, this earnest challenge results in our children quietly losing faith in the Torah as a moral way of life.

#### **14. Rabbi Haim Hirschensohn (1857 – 1935)**

The words of the Torah — "whose ways are pleasant and whose paths are peace" — contain nothing which contradicts genuine civilization or which would ever requires us to do anything contrary to reason....True, we must base ourselves on the Torah and its mitzvot and reflect upon them according to the methods of "our sages, blessed be their memory," as well as understand their words according to the objectives toward which they aspired when they interpreted the mitzvot — then we shall see that they loved truth and peace... (Malki BaKodesh, Vol. 1, p. 21-22).

We must look at halakhah whose "ways are pleasant, whose paths are peace" and which certainly contains nothing contrary to reason and morality. If [on the surface] we see something which does seem contrary, we must grapple with it until we find that it is not devoid of these elements, **otherwise we have not understood either halakhah or morality.** (Malki



## Eshel High School Pledge

Developed by Micha Thau and Rabbi Ari Segal of Shalhevet High School in Los Angeles.

**\*Our School\*** strives to be a nurturing and inclusive environment for all of our students. The administration, faculty, and students of **\*Our School\*** commit to upholding the values of *kavod habriyot* and *derekh eretz* in our relationships with each other. We commit generally to the values of inclusion. The following are the specific commitments we are making regarding our gay, lesbian and transgender students.

1. **NO EXPULSION:** **\*Our School\*** supports and respects all of our students. We will not expel, dismiss, suspend or otherwise discipline students for coming out and being open about their gender identity or sexual orientation.
2. **NO BULLYING:** No member of **\*Our School\***'s administration, faculty, or student body will be permitted to harass or discriminate against any student on the basis of gender identity or sexual orientation.
3. **NO REPARATIVE THERAPY:** **\*Our School\*** will not recommend, refer, or pressure students towards "reparative" or "conversion therapy."
4. **SUPPORT:** **\*Our School\*** will strive to connect gay, lesbian and transgender students with the support services that they need. If they cannot be found on school grounds, we will connect them with such opportunities outside of the school.
5. **INTEGRATION:** Being open about one's sexual orientation will not preclude full involvement in religious activities. **\*Our School\*** will provide closeted, and "out" students with religious guidance as they need it, with staff who are trained to help teens manage the coming-out process and its integration with religious values.
6. **OPEN ADMISSION:** An applicant's or a parent's gender identity or sexual orientation will not have a negative  
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