Finding a Home in our Midst:
Engaging & Welcoming Gay and Lesbian Jews Within the Orthodox Community

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WITH WORDS OF INTRODUCTION BY RABBI DR. JACOB J. SCHACTER
In this learned and passionately presented article, Rabbi Dr. Katriel (Kenneth) Brander provides a roadmap for the ritual and social inclusion in the Orthodox community of Jews who publicly identify as gay and lesbian. Citing numerous halakhic texts and rabbinic authorities, he argues that ways must – and can – be found to insure that these members of our communities be made to feel welcome and appreciated. Take his arguments seriously. If you agree with them, work to implement his proposals. If you disagree with them, make your own contribution to this most important and timely communal conversation.

- Rabbi Jacob J. Schacter
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“Our community thinks of people like me as a concept, as a question, as an abstract. But I’m not a concept. When we talk about LGBTQ inclusion in the Orthodox community, we’re talking about people’s lives. And we’re talking about my life. And we’re talking about my future. And this is very real to me.”

These are the words of just one of the many gay and lesbian people searching for a place in the Orthodox community. In every Orthodox community, in every shul, school, yeshiva, and seminary, there are gay and lesbian people. Some are ready to share their identities publicly, while others remain closeted. But there can be no denying that they are here. All with their own stories, these Jews, many of whom are adolescents or young adults, are searching for their places in the Torah-observant world. They look to us as leaders of Orthodox institutions, as well as to their parents and fellow community members, to offer guidance, decry and protect them from those who do them harm, and allow them to be full, dignified members of the Torah-observant Jewish community. Yet, through hurtful language and actions, insufficient sensitivity, and ongoing denial of the issues, we have left gay and lesbian Jews out of the communal fabric, creating a clash of identities between their spiritual beliefs and personal aspirations on the one hand and their sexual orientations on the other. We have created a suffocating environment that not only prevents gay and lesbian Orthodox Jews from experiencing spiritual fullness, but also one that fosters low self-esteem, loneliness, and fear, pushing some to depression, self-harm, and,

1 I thank Rabbi Matthew Kritz Nitzanim for his editing help and support, as well as Rabbi Dr. Tzvi Sinensky. Special thanks to Rabbi Heshie Billet, Dr. Michelle Friedman Belfer, Rabbi Eliahu Birnbaum, Rabbi Binyamin Blau, Yitzki Lindenbaum, David Eisner, Rabbi Dr. Jacob J. Schacter, and Alan Stadtmauer for their generous and valuable comments on this paper.

This comment appears in a video produced by Uri Westrich, “ChampionsGate Video 1 Final,” August 10, 2016, https://vimeo.com/763098001. This video was presented at a session entitled “Homosexuality in the Orthodox Community: When a Child Struggles with 2 Identities,” at the YUCF 2016 ChampionsGate Conference on the Jewish Family, July 29, 2016.
most tragically, death by suicide. Indeed, various studies have pointed to the connection between unsupportive religious communities and rates of depression, self-harm, and death by suicide among LGBTQ youth. The time has come for us to look for halakhically appropriate ways to confront the mental anguish, pain of discrimination, and disenfranchisement that gay and lesbian members of our community face.

Our starting point as Orthodox Jews is clear: sexual relations between people of the same sex is forbidden. The dictates of the Torah and Halakha are incontrovertible; hence they are not up for discussion. Yet we must not presume that every man or women who identifies as gay or lesbian is sexually active or in violation of a Biblical prohibition. That is not factually accurate. Rabbi Chaim Rapoport, a world-renowned rabbinic expert and counselor to gay and lesbian members of the Jewish community, reported to me that his extensive experience counseling gay and lesbian individuals and couples has led him to conclude that to avoid transgressing the Biblical prohibition, a large portion of gay Orthodox Jewish men refrain from engaging in anal penetration. Recent research suggests that even among the general gay population, anal penetration is not overwhelmingly common. For example, one large-scale survey of gay and bisexual men found that only around a third of respondents reported having anal penetration during their most recent sexual encounter. We therefore would be mistaken to presume that sexually active Jewish gay men engage in Biblically prohibited behavior.

Nonetheless, we cannot overlook the fact that there are gay and lesbian Jews who do engage in behavior that is either Biblically or rabbinically prohibited. Yet the challenges facing LGBTQ Orthodox youth, and the questions they are asking, go beyond these

2 The danger of death by suicide cannot be ignored and therefore needs to be stated. While it can elicit a separate set of halakhic protocols permitting much due to the concern for pikua nefesh, I have not taken this approach here, as I believe there is much that can and ought to be done to welcome gay and lesbian Jews into our midst long before questions of life and death arise. In fact, I believe it is a disservice to both straight and queer Jews alike to use that pathway as the sole or primary basis for developing measures to be taken towards inclusion.

3 Matthew Page et al., “The Role of Religion and Stress in Sexual Identity and Mental Health among Lesbian, Gay, and Bisexual Youth,” Journal of Research on Adolescence 23 no. 4 (2013): pp. 665–677; Ian Rivers et al., “LGBT People and Suicidality in Youth: A Qualitative Study of Perceptions of Risk and Protective Circumstances,” Social Science and Medicine 212 (2018): pp. 1–8. Dr. Mark J. Blechner reports that “a meta-analysis of data from 25 international studies found that gay and bisexual men were four times more likely to report lifetime suicide attempts than heterosexual men, and lesbian and bisexual women were twice as likely to attempt suicide as heterosexual women.” Blechner, “Collateral Damage in the Battle to Change Sexual Orientation,” in Homosexuality, Transsexuality, Psychoanalysis and Traditional Judaism, ed. Alan Slomowitz and Alison Feit (New York: Taylor and Francis, 2019), p. 35. Regarding the Orthodox Jewish community in particular, see Erez Harari et al., “The Relationship Between Religiosity/Spirituality and Well-being in Gay and Heterosexual Orthodox Jews,” Mental Health, Religion & Culture 17 no. 9 (2014), pp. 886-897. Research conducted in Israel indicates that 20% of LGBTQ youth have attempted to take their own lives, compared with only 3.5% in the general population. Within the former subset, those who identified as religious were more than three times more likely to have attempted suicide than their secular counterparts. See Hannah Bar-Yosef, “Suicidal Behavior Among LGBT Youth” [Hebrew], The National Program for the Prevention of Suicidality and Suicide (Jerusalem: Israeli Health Ministry, 2012), pp. 1-9. (As of the time of this writing, a full demographic study of rates of self-harm and attempted suicide among the American Jewish LGBTQ population has not yet been conducted.)

4 The nature and scope of the prohibitions regarding same-sex intercourse are admittedly complex. While penetrative intercourse between men is undoubtedly Biblically prohibited (Vayikra 18:22), non-penetrative sexual activity between men is not independently forbidden but would fall under the more general prohibitions of bal tikrav (behavior that approaches forbidden sexual relations) and wasting seed (see Shulhan Arukh Even Haezer 23:24, Arukh Hashulhan ibid., Minhat Hinnukh 189). Similarly, the halakhic status (i.e., Biblical or rabbinic) of sexual activity between women is a debate among poskim (see Rambam Issurim Bial 21:8, Perisha Even Haezer 20:11, Arukh Hashulhan 20:18). A full discussion of the relevant halakhic considerations can be found in the first chapter of Rabbi Chaim Rapoport’s Judaism and Homosexuality: An Authentic Orthodox View (London: Vallentine Mitchell, 2004).


clear-cut Torah prohibitions. Time and again, in the various leadership positions I have assumed, I have met with young people bearing both queer and Orthodox identities who are struggling to make sense of where they fit within our community. I have heard from their straight parents, siblings, and friends — and at times, even from their straight spouses — who feel the pain of their loved ones and are searching alongside them for a place among us. More than anything, these Jews want to be seen and recognized for who they are, bearing an identity not of their choosing, without fear of being shunned by teachers, rabbis, peers, community members, and sometimes even their own families. The focus of this article is not what gay and lesbian Jews may or may not do in the bedroom, but what the Orthodox community may and ought to do, in light of its commitment to Halakha and Torah values, vis-à-vis gay and lesbian Jews in our community.

Academic research corroborates my anecdotal observations. Erez Harari and his co-authors demonstrate that despite the limitations of studies of gay individuals from the Orthodox community, there is enough data to show that they experience more than double the levels of psychiatric distress experienced by the broader Orthodox community. For gay men, formal involvement in the Orthodox community is associated with negative mental outcomes including somatization, psychoticism, and phobic anxiety. Harari further shows that unlike straight people, for whom religion correlates with positive mental health outcomes, gay Orthodox Jews’ religiosity correlates with negative mental health outcomes. By comparison, research shows that the combination of a strong religious identity and a supportive religious community for Orthodox LGBTQ youth is associated with lower rates of self-destructive behavior and addiction.

More recently, Jewish Queer Youth (JQY), a New York-based support center for young LGBTQ Jews, has been collecting data on all age 13 to 23 participants in their drop-in center. Anyone entering the center completes a questionnaire and is interviewed by a JQY-licensed social worker. The data they have collected reveals the following trends:

1. There is an inverse correlation between participants’ current levels of religiosity and the reported religiosity of participants’ families. Participants whose families are described as more religious present as less religious, while participants whose families are described as less religious tend to present as more religious.

While the particular focus of this article is gay and lesbian Orthodox Jews, many of the issues raised apply similarly to bi, trans, and other queer Jews as well. A subsequent article will address the particular concerns facing these groups.


2. There is an inverse correlation between the level of family acceptance and participants’ current sexual activity. Participants who feel accepted for their orientation or gender identity tend to be less sexually active, while participants who feel that their families do not accept their orientation or gender identity tend to be more sexually active and engage in riskier sexual activity. In other words, by rejecting our children we lead them to engage in dangerous behavior.

3. Participants who are “out” to more people tend to be less sexually active, while participants who are “out” to fewer people tend to be more sexually active and engage in riskier sexual activity.

4. There is an inverse correlation between the level of family acceptance of participants’ sexual orientation/gender identity and self-destructive behavior (e.g., cutting, drugs, and attempted suicide). Participants who report higher levels of family acceptance of their orientation and gender identity are less likely to exhibit self-destructive behavior.

The picture that all of these findings up to this point paint, requires us to re-evaluate how we engage with gay and lesbian Jews in order for them to feel included and valued as part of the Orthodox community, and to ensure their safety and good health — and to do this all within the framework of Halakha.

In this article, I wish to analyze some of the relevant halakhic issues, and to spell out concrete steps that our community can take to improve our engagement with gay and lesbian Orthodox Jews. While the right course of action for any given community may vary, I wish to outline guidelines for what we, as Halakha-abiding Jews, must do and must avoid doing in order to ensure that our fellow Jews feel safe, valued, and at home in our Orthodox community.

Framing the Issue

At a 2019 JQY Town Hall event, among 92 participants who identified as LGBTQ and described themselves as being connected to the Orthodox community, the clear majority reported that they felt the Orthodox community deems them worthless. It is unsurprising, then, that many LGBTQ members of the Orthodox community choose to leave. Yet, as previously noted, studies also indicate that there are still many who are looking for ways to stay in the community. In an age when so many of our young people are losing their interest in yiddishkeit, can there be anything more blessedly exciting than young people seeking ways to remain frum? I have met gay and lesbian students who sacrifice professionally to daven with a minyan, observe mitzvot, and learn and teach Torah like any other God-fearing person. Are these really the people we wish to push away?

10 Rachael Fried, email communication, July 14, 2020. I wish to thank Rachael Fried, Executive Director of JQY, and Mordechai Levovitz, LMSW, Founder and Clinical Director of JQY, for sharing these findings with me.
11 Fried and Levovitz, ibid.
While I believe that dismissing the needs of gay and lesbian members of the Orthodox community is a non-starter, there are those who claim that turning queer Jews away from frumkeit is worth the price: it is an easy solution to the new and weighty halakhic and hashkafic challenges posed by the presence of gay and lesbian Jews in our community. But adopting such a position would create an environment that not only distances gay and lesbian young adults who are already at risk of disillusionment, but one that would similarly alienate all those who are close to them. More and more young Jews today see themselves as allies with their gay and lesbian friends and family members. If we continue to insist on a hardline, antagonistic approach to gay and lesbian Jews, large portions of our straight community will find themselves questioning their own relationships with Orthodoxy. While in some pockets of the Orthodox world this reality may not yet be visible, we are now at an inflection point in the history of Orthodoxy. If we do not manage to find a way to make space for gay and lesbian Jews while maintaining our unyielding commitment to Halakha — a process I am confident is feasible and even appropriate — the detrimental repercussions for even straight members of Orthodoxy will be wide and long-lasting.

This reality does not lend itself to simple answers or to comprehensive solutions. In fact, I am skeptical of anyone who wishes to offer a holistic solution to any dilemma as complex as the one our community faces with regard to its gay and lesbian members. But this cannot serve as an excuse for complacent disregard for the daily lived experiences of gay and lesbian Orthodox Jews. Even in the face of halakhic constraints, we are charged by Halakha to forge a path forward that respects and welcomes gay and lesbian Jews, providing them the safety, security, and sense of haven and heaven found in our community. We owe the trust and investment of our community, and the holiness and inspiration of our Torah, to every single Jew. We simply cannot turn a blind eye to those who are eagerly searching for a way to stay frum. It is with this fundamental orientation, namely that every Jew deserves a place within Judaism and the Jewish community, that we can begin to think critically about what steps can and must be taken to make room for gay and lesbian Jews within our community fabric.

In truth, we have been here before. Orthodox communities have repeatedly taken steps to find ways to welcome those who are not entirely observant. Already in the late 1800s, gedolim including Rabbi Azriel Hildesheimer and Rabbi Yitzhak Elhanan Spektor broke with the ranks of previous poskim regarding who was welcome to take part in synagogue life. Facing the question of whether to give aliyyot to Jews who were non-observant, both poskim ruled that the overwhelming need to encourage individuals to remain connected to Judaism justified calling them to the Torah even on Shabbat and Yom Tov. Rabbi Hildesheimer suggested that Jews who do not wish to abandon their commitment to be part of the covenant, even if they have abandoned certain aspects of religious practice, are still to be welcomed into the synagogue and

13 She’eilot Uteshuvot Rabbi Azriel, Orah Hayyim 1:4.
14 Teshuvot Rabbeinu Yitzhak Elhanan Yoreh De’ah 71 (also in She’eilot Uteshuvot Rabbi Azriel, Orah Hayyim 1:5).
the community. Rabbi Spektor went even further, welcoming those including receiv-
ing *aliyyot* who had not even undergone circumcision.

Similarly, in the early 1900s, *poskim* permitted those who are not Shabbat-
observant to be counted as part of a *minyan*¹⁵ and to receive *aliyyot* to the Torah.¹⁶ North American *shuls* offered *hashkama minyanim*, which were intended for those wished to pray on Shabbat mornings before going to work.¹⁷ Paraphrasing Rabbi Yaakov Yisrael Kanievsky, the Steipler Rav, if there are people who come to syna-
gogue despite not being Shabbat observant, we should not hesitate to include them, because this, in itself, indicates that they feel an unbreakable connection to *yiddish-
keit*.¹⁸ If we are willing to include those who engage in egregious behavior such as foregoing *brit mila* or desecrating the Shabbat publicly, why should it be any different for those gay or lesbian Jews who would never dream of *chillul Shabbat* but who, by no fault of their own, bear an identity that creates *halakhic* challenges?

The cases are, admittedly, different: driving on Shabbat is an act, while one’s sexuality
is a core element of one’s identity which, though not forbidden in its own right,
carries with it a public demonstration of what may be taken to be approval of forbidden
behavior. In the case of *chillul Shabbat*, people may or may not see the individual
arriving for synagogue by car, while in the case of the gay or lesbian individual/cou-
ples, other congregants will take note of *shul* membership and *simcha* announce-
ments. Nonetheless, I believe the *chillul Shabbat* case demonstrates our community’s
capacity to distinguish between inclusion and approval. That distinction, to my mind,
rests upon the fundamental premise that every Jew deserves to be welcomed into
the community. We are fully capable of setting clear community standards and
limitations while simultaneously making space for all those who seek a place in *Heikhal Hashem*. The challenge is surely great, but it is not insurmountable. On the contrary, gay and lesbian Jews who seek a place in the Orthodox community are
driven by religious idealism and commitment. They don’t need to be drawn in to the Torah; they are simply asking not to be locked out from the Torah they already hold dear. Those who are willing to make room for *mechallelei Shabbat* but not for gay and lesbian Orthodox Jews ought to consider what is really motivating their dis-
criminatory attitude.

This perspective was suggested by Rabbi Aharon Lichtenstein in a *sicha* at Yeshivat
Har Etzion in 2012. In considering the wide range of Jews who join together each year
for New York’s Israel Day Parade, Rabbi Lichtenstein asked:

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¹⁵ Rabbi David Zvi Hoffman, *She’eilot Uteshuvot MelAMED Leho’il* 1:29.
Let me give you one example. Some years back — with regard to an annual event in NY — there is the Israel Day Parade — it's a big event — they bring people from all over, all the high schools in the NY area, boys and girls, Orthodox, Conservative, Reform, secularists — they all come to the big parade. It's been, for many people, a very positive force, a binding force, bringing Jews together — for some it's a bit divisive — but they always manage to get over their divisions and march together on a given Sunday during sefirah.\footnote{The parade is always scheduled after Lag Baomer.}

A few years back, as part of the ferment which you have within the Jewish community in general and the homosexual community in particular, the gays said they want to get in on the action too — so everyone else walks around with big signs: we are A, B, C, D of America — so we are the Jewish gays and lesbians of America. The response was a threat — they didn't use the word threat, they called it an advisement, or something to that effect — by the religious high schools — if the gays are going to be part of the parade, we're out...

You ask yourself, wait a minute: we don't like homosexuality, but we don't like chillul Shabbat [Shabbat violation] either — all the mechallelei Shabbat [Shabbat violators] of America could have marched in that parade and no one would say boo, because we are very liberal Jews, and we like to not be judgmental, and be friendly to people to the right and the left of us. So, mechallelei Shabbat — we wish they would be shomrei Shabbat [Shabbat observers], but if that's what they are, that's what they are, we accept them as they are and we don't pass judgment.

If I open a gemara in Sanhedrin, or if I open a chumash, for that matter — leaving aside the term to’eivah — what is a more serious aveirah, chillul Shabbat [Shabbat violation] or homosexuality. Or, for that matter, there are people who worship avodah zarah [idolatry] who march in the parade, too. Is it proper, is it fair, and I say this without relenting in our position to homosexuality — to decide that all the sins which the whole entire Jewish community has — all of that we can swallow and march with them, with pride and with their flags and everything that they want, but this is the se’ir la’azazel [scapegoat] — dispatched to eretz gezeira [the wilderness], that’s what happens to the se’ir la’azazel (Vayikra 16:22). I discussed this point with people for whom I have the highest regard and I asked them this question.\footnote{Dov Karoll, “Perspective on Homosexuals,” Pages of Faith, December 2, 2012, https://tinyurl.com/RAL-gay-jews. Rabbi Lichtenstein’s insight here reflects his broader approach, which we ought to take to heart: all expressions of Judaism, even those that are fragmentary, are worthy of respect and support. See Adam S. Erezger, “On Fragmentary Judaism: The Jewish ‘Other’ And the Worldview of Rabbi Dr. Aharon Lichtenstein,” Tradition 47 no. 4 (Winter 2014): pp. 34-88.}
Over a decade later, the question remains unaddressed. Is it appropriate and fair to say within our communities that we have no problem with all the Jewish people’s sins but that there is only one “scapegoat”? Singling out gay and lesbian Jews as less deserving of a place in the Jewish community reflects an imbalance in our values, and therefore constitutes a form of societal discrimination. Our task is, at the very least, to do what we would for any of these other groups, with the knowledge that doing so in the past has not weakened, but rather strengthened, the fabric of Orthodox life and Torah observance.

Rabbi Avraham Edelstein, founder of the Ner LeElef Institute, writes the following about our engagement with gay and lesbian Jews:

[Gay and lesbian Jews] bring some unique sensitivities to the table from which we can all benefit. Not only is it forbidden to discriminate against [them], but we ought to learn from what they have to offer. At the same time a gay person has many other opportunities of finding meaning within a Torah life-style. He or she is no less Jewish than anyone else; he or she is no less beloved by God. He or she is no less capable of spiritual greatness and is held accountable by God to fulfill all of his or her potential.21

The dire need to take seriously the needs and experiences of gay and lesbian Jews is concretized by Rabbi Eliezer Melamed:

At times, the pain of those who suffer from it [same-sex attraction] is too great to bear, to the point where there are some young people who choose to end their own lives out of extreme suffering. Therefore, one must guide men and women who have this sort of orientation to speak about it with their parents and with a rabbi or counselor, to unburden them of some of the suffering that they go through, and in order to find the ideal path for them to contend with it. If we are to be honest, it is important to emphasize that we ought not be more stringent with regards to those who commit the sin of sex between men than with regard to those who commit other serious sins, such as those who desecrate Shabbat (emphasis added). And just as those who desecrate Shabbat are called to the Torah as long as they do not do so spitefully (le-hach’is), the same is true for calling to the Torah those who perform this sin [intercourse between men], as long as they do not do so spitefully. And this is all the more so the case when dealing with people who strive to fulfill Torah and mitzvot, who presumably take care not to perform the serious transgression of intercourse between men.22

Ona’at Devarim

“He said, ‘Take off your kippa; there’s no point. You’re not going to ever be able to be happy.’”

The most urgent starting point in shifting our communal outlook is the cessation and rejection of bullying and verbal harassment, that which the Torah calls ona’at devarim. Time and again, the conversations I have had with gay and lesbian Jews come back to hurtful language, both intended and unintended, that makes them feel like they don’t belong. Halakha has high expectations of the way we speak about others, and we are called upon to reinforce those expectations. Admittedly, issues of offensive and hurtful speech within the Orthodox community extend to other issues as well, including racism, xenophobia, politics, and more. Conversations with rabbis, mental health professionals, teachers, members of the LGBTQ community, and laypeople confirm that the issue is especially pervasive with regard to gay and lesbian Jews.

The Torah (Vayikra 25:17) forbids such behavior, and this prohibition is clarified in the Mishna (Bava Metzi’a 4:10) and cited almost word for word by Rabbi Yosef Karo (Shulhan Arukh Hoshen Mishpat 228:1):

> Just as there is a prohibition against ona’a [exploitation] in buying and selling, so is there ona’a in statements, i.e., verbal mistreatment. And of greater severity is verbal mistreatment than exploitation, for the latter can be returned, while the former cannot, and the latter harms the person, while the former only harms one’s money. And one who cries out [to God] in response to [experiencing] verbal mistreatment is answered immediately. (Rema: And some say that the prohibition only applies to those who are yirei shamayim [God-fearing].)

The Shulhan Arukh, in citing the Mishna’s ruling, makes no distinctions regarding the victims of ona’at devarim: no Jew may be subject to verbal abuse. Rabbi Moshe Isserles (Rema ad loc.), though, includes the caveat that ona’at devarim may be permitted if it is directed at people who are not “yirei shamayim.” Even before evaluating the approach of Rema, we ought to ask ourselves: when it comes to ona’at devarim, regarding which the Gemara (Bava Metzi’a 58b) tells us that “anyone who publicly embarrasses another is deemed as having killed them,” how readily should we choose to rely upon the more lenient opinion of Rema against Rabbi Karo?

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23 Westrich, “ChampionsGate.”

24 Many American Orthodox single-sex day schools refuse to do any training for their staff on this issue, continuing to tolerate insensitivity and verbal bullying. See also Jerusalem Chief Rabbi Amar’s remark that it is “better to eat pork than to be a homo” [Hebrew], Kipa, June 8, 2021, https://tinyurl.com/2wz3p862.

25 I thank Dr. David Pelcovitz, who confirmed this challenge but also acknowledged that the issue is less pervasive among the younger generation (below the age of 40). Dr. David Pelcovitz, personal communication, Dec. 27, 2020.

26 In the Religious Zionist schools in Israel, homophobic comments are rampant. When I mandated a training on the topic at one of Ohr Torah Stone’s six high schools, one of the rebbeim boycotted the training.

27 For a recent public display of the perspectives of gay and lesbian Orthodox Jews, including firsthand experiences of verbal abuse, see Dr. Jenny Isaacs, “Being LGBTQ+ in an Orthodox World: A Panel of Four Yeshiva University Undergrad Students and Alumni,” December 20, 2020, video, https://tinyurl.com/yu-lgbtq-panel.
Yet even Rema’s view must be read carefully. To claim that all gay and lesbian Jews lack *yirat shamayim*, whether they are formally observant or not, is simply false. So many *frum* gay and lesbian people are committed to staying *frum* and following Halakha as best they can, even in light of the challenges they face. In the words of Rabbi Yaakov Medan, Rosh Yeshiva at Yeshivat Har Etzion, a gay man who commits himself to observing Halakha and has a partner but is not intimate with him is “considered a ‘tzaddik gamur,’ fully belonging among those who are *yirei shamyaim* and *ohavei Hashem*,.” This is part of the shift in mindset we need to adopt: being gay is not the same as being a sinner or lacking *yirat shamayim*.

In addition, Rabbi Yehiel Michel Epstein (*Arukh Hashulhan Hoshen Mishpat* 228:1) further limits the permissive view of Rema. He claims that Rema’s view only means that “a rasha [evildoer] may be verbally mistreated, for maybe he/she will thereby be moved to repent.” According to Rabbi Epstein, even from the perspective of Rema’s permissive view, one would need good reason to believe that taunts and insults would lead to a change in behavior. This is simply not the case for gay and lesbian Jews. Language used to bash gay and lesbian Jews has nothing to do with encouraging them to do *teshuva*; it is simply meant to be hurtful, and it endangers people. Even more to the point is the view of Rabbi Shmuel Halevi Wosner, who states that even according to Rema, it would be forbidden to speak hurtfully towards someone who is a “*tinok shenishba,*” one who did not willingly choose not to follow a specific *mitzvah*.

The facts are clear: gay and lesbian people do not choose their sexual orientations, and in the overwhelming majority of cases they cannot change them either. While being gay is not a matter of lack of knowledge of *mitzvot* (as the category of *tinok shenishba* is generally understood), it is certainly the case that one’s sexual orientation is similarly out of one’s own control. Simply being gay is not a sin, nor is it a choice or a matter that is readily subject to change. Even according to Rema, then, there is no halakhic justification whatsoever for verbal mistreatment of gay and lesbian Jews. Indeed, this is also the position of Rabbi Melamed.

Considering the tremendous harm done to gay and lesbian Jews who endure name-calling and insults, and Halakha’s stance against such behavior, verbal mistreatment of LGBTQ Jews should be recognized in our community as a violation of Jewish law.
Tokhaha

Some will argue that strong language of rebuke against gay and lesbian people is necessary to voice our "tokhaha" (rebuke) of queer Jews. They oppose the Torah, and such people must be reprimanded. This claim, however, is halakhically and hashkafically problematic. While there is indeed a mitzva to voice tokhaha in the Torah, it is not at all clear that expressing such negative language and attitudes toward gay and lesbian Jews conforms with this mitzva.

The clear halakhic consensus is to adopt the position of Rabbi Elazar ben Shim'on in Yevamot 65b that "just as one is obligated to say [rebuke] that will be heeded, one is obligated not to say [rebuke] that will not be heeded." One may issue tokhaha only when there is a reasonable expectation on the part of the individual voicing rebuke that the person to whom the rebuke is directed will take the words to heart and behave differently in the future. As indicated earlier, experience demonstrates that rebuking gay and lesbian Jews rarely if ever leads to “positive” outcomes. Whether due to shifting cultural mores of acceptance in the broader community, or, most likely, the pain inflicted by the vitriolic language that is regularly used against them, men and women who are publicly reprimanded are far more likely to be turned off from frumkeit altogether than to be strengthened in their Torah observance.

It is seemingly with this approach in mind that various contemporary poskim adopt a limited view of tokhaha more broadly. With regard to Rabbi Elazar ben Azaria’s claim in Arakhin 16b that there was hardly anyone in his generation with the requisite sensitivity to issue rebuke properly, Rabbi Avraham Yeshayahu Karelitz, the Hazon Ish, sees this view as halakhically binding:

At the conclusion of the work Ahavat Hesed, the author [Rabbi Yisrael Meir Kagan] writes... that one is obligated to love even sinners... for we do not know how to rebuke, and thus [the sinners] should be treated as though they acted under duress... and this is the case for all halakhic matters.

The risks of tokhaha gone wrong, which threatens our relationships with our fellow Jews and their relationships with the Torah, are so high that they should be seen as outweighing the potential benefits of the rebuke. Rabbi Yehuda Amital suggests that this sentiment rings especially true in our own generation, when so many people are

33 See Vayikra 19:17; Bava Metzi’A 31a; Rambam De’ot 6:7; Sefer Hahinnukh 239; Shulhan Arukh Orah Hayyim 608:2.
34 See also Ritva, Meiri ad loc. and Sefer Hasidim 413. Rema (Orah Hayyim 608:2) suggests that this principle is true of public rebuke but not of private rebuke. Even so, Beur Halakha (ad loc.) and Arukh Hashulhan (Orah Hayyim 156:8) suggest that populations that can be expected to strongly reject rebuke ought not be rebuked even privately.
35 In a letter to his son, Rabbi Tzvi Yehuda (recorded in Iggerot Hare’aya 1:138), Rabbi Kook suggests that the category of ones (duress) may be applied — perhaps in a technical manner, certainly on a conceptual level — to those who are clearly heavily influenced by strong cultural currents.
36 Hazon Ish, Hilkhot Shehita 2:28. See also Teshuvot Rabbi Yosef ibn Plat leha-Ravi (12th cent.), in Sifran shel Rishonim, Simha Assaf (Jerusalem, 1935), p. 205, a medieval rabbinic source who suggests the same idea.
already moving away from Torah observance and we are called on to adopt an inclusive, welcoming approach to protect the Torah itself.\textsuperscript{37}

For years, we have been witness to the deleterious effects that attempts at \textit{tokhaha} have had for gay and lesbian Jews who struggle mentally and emotionally with such rhetoric. It has led to a total rejection of \textit{yiddishkeit} by those who feel deeply disrespected for their identities. When \textit{tokhaha} clearly does more harm than good, particularly when expressed through broad public statements detached from the real people being addressed, it becomes an \textit{issur}.\textsuperscript{38} On the contrary, the responsibility of Jewish educators and leaders is to engage with gay and lesbian Jews in order to work together to determine how each individual can fulfill the dictates and spirit of the Torah as fully as he or she can.\textsuperscript{39} As a senior mentor of religious educators, Rabbi Avishai Mizrahi, states, our responsibility as teachers is “not to tell a child if he or she is \textit{bedi’avad}, but to find the \textit{lekhathila} in each child.”\textsuperscript{40}

\textbf{To’eiva}

Perhaps the most troubling form of verbal mistreatment of gay Jews in our community is the casual use of the term “to’eiva” or “an abomination” as a description of, or synonym for, gay people. These purportedly “abominable” people are no far-off fiction; they are our children, students, classmates, shul members, colleagues, and friends, and they take the insults to heart.

To be clear, there is no way around the fact that the Torah describes sexual activity between two men as “to’eiva.” However, the definition of the term \textit{to’eiva} in this context is not as clear as it first seems. In Nedarim 51a, Bar Kappara defines \textit{to’eiva} in our context is as follows:

\begin{quote}
Bar Kappara said to Rabbi [Yehuda Hanasi], “What [is the meaning of the word] to’eiva?... This is what the Merciful One is saying [by using the word] to’eiva: You are straying after it [to’eh atta bah].”
\end{quote}

Bar Kappara suggests that \textit{to’eiva} is a descriptive term that points to the perceived atypical nature of homosexuality, not a prescriptive term that denotes a unique level of severity. To casually assign the inflammatory term “abomination” to gay and lesbian people overlooks the Talmudic interpretation. Indeed, Rabbi Avraham Yitzhak Hakohen Kook adopts Bar Kappara’s interpretation in his discussion of homosexuality.\textsuperscript{41}


\textsuperscript{38} Rabbi Eliezer Melamed has similarly condemned any attacks on LGBTQ Jews. See Melamed, “Regarding LGBT.”

\textsuperscript{39} On rabbinic approaches to advising gay Orthodox youth, see Avishai Mizrahi, “Between Denial of Homosexuality and Acknowledging It: Analysis of Rabbinic Rulings within Religious Zionism,” [Hebrew] (Thesis, Bar-Ilan University, 2020), tinyurl.com/mizrahi-thesis.

\textsuperscript{40} Rabbi Mizrahi notes this in a January 2021 conversation with Dr. Michal Prins, “LGBTQ in Religious Education,” tinyurl.com/mizrahi-podcast.

I find it unscrupulous that as members of the Torah community, we are willing to tolerate our brothers and sisters who engage in a wide range of prohibited behaviors, including cheating in business and eating non-kosher food, which also bear the term to’eiva and have no Talmudic statement ameliorating its meaning. We feature these individuals’ names on our institutional buildings and honor them at our festive communal events. Only one group has been subject to the use of the word to’eiva as the basis for ongoing verbal harassment and repudiation: the LGBTQ community.

In March 2020, The Yeshiva World News ran an article on the suspension of former Democratic presidential hopeful and openly gay Pete Buttigieg’s campaign under the headline, “No Toieiva President.” How did gay and lesbian Jews, as well as their parents, siblings, and grandparents, feel about themselves when they read such a headline, which suggested that by circumstance of birth they or their loved ones are “irreparably abominable”? Would the same publication ever use such a headline to refer to funders of Torah institutions who have sat in jail after performing other acts classified by the Torah as to’eiva? In fact, when two such Orthodox individuals were pardoned by President Trump, The Yeshiva World News headline and article were much kinder. In summary, we cannot tolerate the use of the language of to’eiva in our community vis-à-vis gay people.

Conversion Therapy

“Today I am a Torah-observant gay Jew and out of the closet — and in the same Torah, which I adhere to in its entirety, it also says “cursed is the one who abuses his neighbor in secret, and all the people responded ‘Amen.’” (Devarim 27:24) These treatments [conversion therapy] are a form of emotional abuse that is simply unbearable. [...] There is no proof for the efficacy of these treatments, and there is proof for the increase in suicide they cause. [...] These were the options they gave me: conversion therapy, death, or to live as though I were dead.”

As our community has puzzled over the right guidance to offer queer Jews, two proposed solutions have persisted in our discourse: conversion therapy and/or marriage to people of the opposite sex. There was a time some decades ago when both of these seemed like promising options, ostensibly offering queer Orthodox Jews ways to live meaningful, fulfilling lives within a traditional family setting. But time has told a
different story. It is certainly no accident that a number of countries, as well as various jurisdictions in the United States, have outlawed conversion therapy, and both the American Medical Association and the Israeli Medical Association advise against this practice.

Conversion therapy should be recognized as a non-viable option. In the past decade, the Rabbinical Council of America has revoked its support for conversion therapy. Various dati le’umi rabbinic and mental health personalities in Israel, including rashei yeshiva Rabbi Yuval Cherlow and Rabbi Eliezer Melamed, and Bar-Ilan Professor of Psychology Prof. Tuvia Peri, have similarly rejected the practice. Nonetheless, conversations with students and other community members have revealed that conversion therapy is still sometimes encouraged in some parts of our community. Yet, as difficult as it may be for some to accept, empirical evidence, both statistical and anecdotal, has made it abundantly clear that “gayness” can’t be “cured,” and that these attempts at treatment simply lead to depression and sakkanat nefashot.

Furthermore, as Dr. Mark J. Blechner writes: “Attempts to convert homosexuals to heterosexuals must be considered in light of the collateral damage that they cause; they destroy not just the lives of the men subjected to such treatment, but the lives of their wives and children.” He continues: “I continue to see such men in psychotherapy right up to the present day, who seek to undo the damage done to them by conversion therapy. They know they cannot undo the past, but can they have hope for the future? And how are they to live with their guilt?”


52 Ibid., p. 35.
Opposite-Sex Marriage

“I don’t think you want me marrying your daughter.”

As for gay and lesbian young adults marrying people of the opposite sex, I have discussed the issue with Rabbi Dr. Benny Lau and Prof. Tuvia Peri (who have each written about this issue) and other rabbis and mental health professionals, as well as with gay and lesbian Jews. All have suggested that if a gay or lesbian person wishes to marry a straight partner, both parties are aware of their different sexual orientations, and a mental health professional and spiritual mentor accompany them throughout their relationship to support them through the challenges they will inevitably face, such a marriage has the potential to provide the couple with happiness and a healthy, stable family life. However, one cannot overstate the need for the couple to be forthright with one another from the outset, and for there to be a competent mental health professional and spiritual mentor by their side. No amount of love for one’s spouse will change the other’s sexual orientation.

While we should be supportive if a couple wishes to pursue this path, we should not encourage it. For a gay or lesbian person to marry someone of the opposite sex requires complete transparency as well as great mutual sacrifice. It is therefore totally wrong to direct a gay man to date a woman, or a lesbian woman to date a man, without being completely honest about his or her sexual orientation from the outset and having already sought out appropriate spiritual and mental health support. And even with such a support infrastructure, there is a serious risk that the marriage will be unhealthy and unstable, leading to infidelity and eventually divorce. Anyone advocating for this approach clearly has never been responsible, as many rabbis have been, for supporting these couples years down the road, when the impossibility of maintaining a stable, intimate, loving relationship leads to the eventual deterioration and dissolution of these marriages. For all these reasons, Rabbi Lau and Prof. Peri are among many in our community who have come to strongly discourage this practice. In fact, in a publicly published letter, Rabbi Aharon Feldman, Rosh Yeshiva of Ner Yisrael, similarly refuses to encourage a gay man to marry a woman, despite the foundational role the family plays in Jewish life.

In his article on this subject, Dr. Blechner details the risks posed by having homosexual Jews undergo conversion therapy and marry people of the opposite sex, not only to themselves, but to their spouses and children as well:

53 Westrich, “ChampionsGate.”
I have heard of therapists who also suggest to their gay patients that they fantasize about an attractive man while in bed with their wives, and some men are able to achieve an erection in this way in order to impregnate their wives. But is this success? Enough pressure and encouragement may get the man to marry and have intercourse with his wife, but the homosexual desires do not go away, and the marriage becomes a ticking time bomb. So the question of “conversion therapy” must be considered in the total context of the family. If you manage to get [a gay man] to marry and have children, you are not just harming him. You are harming his wife terribly. Think about what it means to be such a woman, married to a man who is not really attracted to her, who needs to think about another man while making love to her. This, to me, is an abomination. [...] Think about what it is like to be a son or daughter growing up in such a family. You realize that your parents’ marriage was a sham. You feel shame and confusion. Can you ever trust someone in a romantic relationship? [...] They felt that their upbringing was filled with fakery and falsehood, and questioned their relationships with their parents and their own confused identifications.

For anyone reading Dr. Blechner’s chilling account, especially for those of us who have interacted with couples dealing with the consequences of lack of transparency between spouses, one needs to ask: Would you let your children, be they straight or gay, undergo such torment? Would you allow your straight child to enter into a marriage without full transparency and rabbinic and psychological support, where a healthy, loving sexual relationship is out of the question? If you can appreciate how unimaginable such a life would be for someone you love, when facts are hidden from him or her, you can understand the serious challenges that attend such a relationship. Such a potential relationship needs to be approached with the proper caution; to do otherwise is a moral non-starter. For once and for all, pretending that one’s sexual orientation can be ignored when making shidduchim should be seen for what it is: putting a stumbling block in front of the blind, creating unconscionably harmful relationships, risking lives, and creating turbulent family structures — in other words, creating a chillul Hashem of the highest order on multiple fronts.

What to Do for LGBTQ Orthodox Jews?

“Each rabbi should be conscious — what am I doing to make sure they feel comfortable in this environment? [Because] if they’re sitting in that shul, they want to be there.”

There are a number of concrete steps that shuls, schools, and communal institutions can take to adopt a more inclusive attitude towards LGBTQ Jews. Educators and spiritual leaders need to ponder how welcoming a place we will create. Like leaders of the past and present who wrestled with a similar dilemma and welcomed drivers to the synagogue on Shabbat, our responsibility to all Jews is no different, and perhaps even greater, requiring proper nuance in our articulation.

A Note of Caution

Adolescence is a period of self-discovery. We find ourselves in a very permissive and inclusive environment that presents both opportunities and challenges. One of those challenges is that our environment approves of teens questioning, exploring, and experimenting with their sexual orientations and gender identities. An example of this is our society’s move towards institutionalizing gender-neutral pronouns. Any sudden movement on the part of an individual to create a new form of identity needs to be approached with caution. Be it “Flipping Out” after a few months in Israel or teens who are in the process of defining their sexuality, any dramatic changes in core identity deserve to be probed and carefully discussed, preferably in consultation with a sensitive mental health professional. Our concern that gay and lesbian Jews be welcomed in a respectful and engaging manner and not be marginalized, ignored, or cast out should not be misconstrued as wishing to encourage straight teens to actively explore homosexuality. Halakha demands for us to find authentic ways to include gay and lesbian Orthodox Jews in an inclusive and nuanced way, not to promote such a lifestyle.

Synagogue Practice

Aliyyot and Minyan: Rabbi Eliezer Melamed has explicitly written that just as our community is comfortable counting those who are not Shabbat-observant in a minyan and giving them aliyyot, the same should be true of gay Jews, even if they are openly in a relationship with a partner. Rabbi Shlomo Zalman Auerbach issued a well-known responsum regarding counting those who are not Shabbat-observant toward a

57 Westrich, “ChampionsGate.”


59 Melamed, “Regarding LGBT.” His only provision is that the person should not behave spitefully (lehakh’s) with regard to his sexual orientation.
*minyan*. His points seem even more compelling (*kal vehomer*) for situations involving Jews who are gay or lesbian, which indicates that he would likely concur with the approach of Rabbi Melamed.60

**Community Engagement**

As a word of general guidance, it is essential for rabbis, heads of schools, and synagogue and school boards to establish protocols regarding these and related issues. To allow for level-headed thinking, rather than last-minute difficult decision-making, this should all be done in a manner detached from any particular individual, couple, or *simcha*. Furthermore, it is important for gay and lesbian individuals and couples to be informed early on what to expect as members of the *shul/school community* rather than face disappointment and frustration as issues arise. These policies define for queer people just how “welcoming” a given community is. It is wrong to inform them of policies only after they’ve invested time in communal relationships.

**Synagogue Membership:** Membership should be available to a gay or lesbian person or couple. In the 2010 Statement of Principles written and signed by over 250 prominent Orthodox rabbis, educators, *rashei yeshiva*, and lay leaders, several important protocols were stated regarding the way the community should deal with “our brothers and sisters... who have a homosexual orientation.”61 In addressing synagogue membership, the document states:

> Jews with homosexual orientations or same-sex attractions should be welcomed as full members of the synagogue and school community. As appropriate with regard to gender and lineage, they should participate and count ritually, be eligible for ritual synagogue honors, and generally be treated in the same fashion and under the same *halakhic* and *hashkafic* framework as any other member of the synagogue they join. Conversely, they must accept and fulfill all the responsibilities of such membership, including those generated by communal norms or broad Jewish principles that go beyond formal Halakha.

Yet immediately after this inclusive statement the following conditional comment appears:

> 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.


If we permit openly gay people, including those in active sexual relationships, to receive aliyyot to the Torah, there should be an appropriate way to orchestrate their ability to be members of the synagogue community. It is important to note that while Rabbi Medan approves of extending synagogue membership to those who are homosexually active, he is opposed to their involvement in devarim shebikdusha. This is inconsistent with the more inclusive positions regarding aliyyot referenced above in the names of Rabbi Hildesheimer, Rabbi Spektor, Rabbi Hoffman, Rabbi Auerbach, and Rabbi Feinstein.

Since Halakha cannot sanction same-sex marriages, I would suggest that synagogues that have gay and lesbian attendees and are struggling with this issue consider the following idea: either accept them as single members or change the synagogue membership fee structure from family membership to household membership. Household membership discounts may be extended to many situations involving gay and lesbian couples, or to other households that do not fit the traditional family structure, such as widows who share an apartment or single roommates. (The latter, incidentally, might also help to ease the problem of singles who feel that there isn’t always a place for them or a focus on their needs in synagogues). While the gay or lesbian couple may wish to be listed together on the membership roster, it seems to me that such a listing is a tacit endorsement of the relationship, and they should therefore be listed separately.

Paraphrasing Rabbi Lichtenstein, there will no doubt be readers who will see this approach as excessively liberal and others who will view this idea as terribly patronizing. I am aware and indeed pained by that reality, but such responses should hardly faze us in trying to thread the needle regarding this contemporary reality.

**Wearing a Tallit:** If any member of a gay male couple wishes to wear a tallit it would seem that such an act is of no halakhic concern.

**Brit and Baby Namings:** Synagogues should not hesitate to host a brit or baby naming for the child of a same-sex couple. Rather than embarrassing and further distancing the couple from the Jewish community and Jewish life, synagogues should embrace this opportunity to make the couple feel included. Such ceremonies pose no halakhic challenges, as every Jewish child deserves these rites of passage. Furthermore, such religious events can serve as an opportunity to ease tensions and reunify estranged family members who have struggled to respond to the life choices of their loved ones. Thus, Dr. Sibylle Lustenberger conducted research in Israel documenting how religious baby ceremonies can contribute positively to family reconciliation.

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62 Medan, “We Should Not Be Overly Stringent.”


64 Both Ashkenazic and Sephardic poskim write that a tallit gadol may be worn for Shacharit by any adult male, not only married ones. Therefore, there is no issue with a member of a gay couple donning a tallit. See Mishna Berura (Shulhan Arukh, Orah Hayyim 17:10) and Yalkut Yosef (Hilkhot Tzizit Utefillin 17:4-5).

65 Sibylle Lustenberger, “Conceiving Judaism: The Challenges of Same-Sex Parenthood,” Israel Studies Review 28 no. 2 (Winter 2013), pp. 140–156. Though there is little data available, I am similarly personally aware of situations in which gay and lesbian weddings were points of major family tension, yet when the couples had children, religious ceremonial events brought the families back together.
same willingness to support such ceremonies should extend to caterers, event halls, and others involved in arranging such semachot.

The same certainly holds true for the Bar and Bat Mitzva celebrations of children of gay and lesbian parents. Becoming a full-fledged member of the covenental community is in no way contingent on one’s sexual orientation, and certainly not that of one’s parent or parents.

Communal Announcements: To publicly announce and thereby celebrate the engagement or marriage of a same-sex couple from the pulpit seems to stand beyond the pale of what would be permissible for halakhic communities. In my opinion this would represent what the Rambam calls yad rama, a public pronouncement of a violation against the Torah.

Nonetheless, there are numerous cases that regularly arise that call for careful navigation. Often these relate to the children of LGBTQ couples (such as a birth or Bar/Bat Mitzva), a loss (e.g., condolence/shiva notices), or other forms of communal engagement (sponsoring kiddush, hosting a shul event in their home, etc.). The same questions arise for grandparents of a child whose parents are gay or lesbian who wish to have their celebration recognized publicly. Conversations with pulpit rabbis across North America indicate that these questions are being asked more and more often. Careful discretion and sensitivity are needed in each of these scenarios. As a guiding principle, I would offer for consideration that anything short of celebrating the engagement or wedding of a same-sex couple should be deemed possible and worthy of consideration. Perhaps to recognize the challenge here between competing values requires more conversation to take place in the community on how certain milestones can be acknowledged as transpiring even if they cannot be blessed?

End of Life Issues: A Chevra Kadisha has the responsibility to bury a gay man or lesbian woman with the same expeditious concern for the holiness of the deceased as they would for any man or woman. The purchasing of adjoining plots should not be an issue. Any headstone needs to be written with the prescribed protocols of the cemetery or the congregation/association that supervises the burial section. It is best that these protocols be spelled out clearly so that before plots are needed, any person wishing to purchase plots, including gay or lesbian Jews, can know what the policies are for the particular cemetery. Furthermore, rabbis should not hesitate to officiate at funerals or shiva houses, even if the departed or any of the mourners is LGBTQ.

Lest one suggest that the poskim who permit Shabbat violators to receive honors and be part of the synagogue community do so only in order to help them “see the light” and thereby be “mekarev them” — which would not apply to gay and lesbian Jews — I remind the reader of several points:

66 Guide for the Perplexed 3:41; Responsa Hakham Tzvi 38.
1. Most poskim do not make engagement with other Jews preconditioned on trying to change their current lifestyles. That is not only condescending and an ineffective way to engage others, but it also shows no respect for the gifts and talents that various individuals whom we wish to welcome into our community can contribute.\(^{67}\)

2. Rabbi Aharon Lichtenstein has celebrated the responsibility that we have to accept Jews as they are and recognize the contributions that each can bring to the community. Rabbi Dr. Adam Ferziger writes about Rabbi Lichtenstein: “I was as yet unacquainted with the degree to which absorption with and consideration of various Jewish ‘others’ from his point of view — non orthodox, non observant, and secular Zionists in particular as well as active homosexuals... is foundational to Rabbi Lichtenstein’s overall worldview.”\(^{68}\) Rabbi Lichtenstein explains that it is wrong morally and halakhically to sever ties with individuals who are not engaged in the full complement of Jewish observance.\(^{69}\)

Dr. Ferziger writes:

Rabbi Lichtenstein’s efforts to ascertain and internalize the positive fragments in others, goes far beyond strict adherence to the rabbinic maxim “to judge every person favorably” (Avot 1:6). It stems from his own “self understanding” of Orthodox Judaism and, for that matter, the human condition in contrast to the perfect God. Put succinctly his ability to find meaning in the fragmentary is predicated on his rejection of the very concept of “wholeness” or totality within the context of humanity, including the religious tradition to which he is fully committed.\(^{70}\) This provides a paradigm that we should have the wisdom to follow.

3. The same way any Jew who is not fully Shabbat-observant but wishes to attend services on Shabbat should be honored, we should not only concede but assert that whatever halakhic challenges there may be with integrating sexually active gay and lesbian Jews into the community, many of those attending services are genuinely in search of the Ribbono Shel Olam. That cannot be ignored.

\(^{67}\) The growth of the Boca Raton Synagogue community, where I served as rabbi from 1991 until 2005, from 60-600 families can be partially attributed to many who spiritually migrated from being “drivers” to “walkers.” The beauty of individuals and families engaging with the community and Torah ideals was always expressed. The capacity for community to serve as a haven and a heaven for an individual was always articulated, but never did I missionize formal Shabbat observance. It would have been perceived as condescending and ineffective. Opportunities for spiritual engagement need to be provided. Allow the beauty of the lifestyle to do its magic! While many remained “drivers,” their children’s engagement with the Jewish community was different than their own. The situation with the LGBTQ is not fully comparable. Their sexual preferences are not their own choosing, and while Halakha makes demands on what forms of sexuality are permitted, let us not forget our responsibility to consider the whole person and all other aspects of their lives as well as the destiny of their families.

\(^{68}\) Ferziger, “On Fragmentary Judaism,” p. 35.

\(^{69}\) Quoted by Ferziger, ibid., p. 41, and found in “Patterns of Contemporary Jewish Self-Identification” in Leaves of Faith: The World of Jewish Living, vol. 2 (Brooklyn: 2017), p. 216.

\(^{70}\) Ibid., p. 65.
4. Some argue that such positive engagement may cause the 95% of the community that is straight to become more supportive of gay and lesbian lifestyles and, as a result, the sanctity of the mesorah as a whole may deteriorate. Therefore, they argue, we must not be tolerant on LGBTQ issues in Jewish communal settings. In response, I refer individuals making such arguments to families who embraced the drivers to synagogue and couples who were having [Jewish] children even while intermarried: these families who opened their homes and their hearts have turned out to be fine ohavei Torah. Placed in the proper context, welcoming people into our communities who are not fully observant, be it in areas of taharat hamishpacha, kashrut, or other particulars of Halakha, does not cause rampant spiritual deterioration but the opposite. It creates an environment that shows true ahavat chinam and inspires continued spiritual growth.

**Employment Opportunities in Yeshivot and Jewish Day Schools:**

Decisions concerning who should work at a local yeshiva or day school are dependent upon guidelines with which the local parent body will be comfortable; not to factor their perspective into the equation could cause significant damage to the school. At the same time, our schools ought to be palaces of morality and incubators of the values that we strive to achieve. With that in mind, I share the words of Rabbi Medan who says of religiously committed gay and lesbian Jews (not sexually active), “I see no justification for precluding them from engaging in any part of religious life, be that in reading from the Torah, leading prayer services, or teaching Torah to the community.”

We should also take seriously that recent estimates suggest that around 5.6% of the US population is LGBT. There is no reason to think that those estimates are not true of the student bodies of our schools as well.\(^\text{72}\) For a gay or lesbian student (or parent), and for other students as well, a teacher who is gay or lesbian while simultaneously remaining committed to a life of Torah and mitzvot can serve as a valuable religious role model, particularly for those most in need of religious and spiritual guidance during this tumultuous period in their lives. (If a school hires a single gay or lesbian person who fits Rabbi Medan’s description as a limmudei kodesh teacher, the school should have a clear policy from the outset regarding the appropriate steps in the event the teacher formalizes a sexual relationship with a gay/lesbian partner.)

\(^{71}\) Medan, “We Should Not Be Overly Stringent.” Rabbi Medan revisited these issues in a more recent article. See Yaakov Medan, “Ending the Extremist Discourse Regarding the LGBT Issue” [Hebrew], Makor Rishon, August 7, 2018, https://www.makorrishon.co.il/opinion/67893/.

\(^{72}\) Jefferey M. Jones, “LGBT Identification Rises to 5.6% in Latest U.S. Estimate” Gallup, February 24, 2021, https://tinyurl.com/2aw6tz5p. As the report acknowledges, calculating the proportion of LGBT people in a given population is difficult, so the number may be imprecise. Nonetheless, there is no question that there is a significant number of people in our community, as in every community, who are LGBT. Blechner suggests that it is closer to 5–10%, irrespective of religion, ethnicity, or nationality. See Blechner, “Collateral Damage,” 35. e Inn5.
Accepting All Children into Our Schools

Every child deserves a Jewish education. We accept children of parents who are not Shabbat observant as well as children of parents who are in jail for crimes against other Jews and other members of society. Indeed, any other policy would be a violation of the Torah principle of “uvanim lo yumtu al avot,” children are not to be punished for the sins of their parents. There is no reason not to do the same for children of same-sex couples, whose morality and decency are impeccable.

Yet schools need to think through and create the appropriate protocols, as they have for other situations, to make it easier for children of gay and lesbian parents to fully integrate into their schools. Children of gay and lesbian families may not get invited to birthday parties, Bar/Bat Mitzva events, or Shabbat play dates and sleepovers. Meaningful education regarding tolerance and understanding along with clear guidelines can help avoid unintentional hurt feelings or misunderstood expectations. These policies need to be clearly communicated to the school community. Among the issues that need to be addressed are:

- How are playdates, birthday parties, and sleepovers between friends designed in such situations?
- Do both parents of a gay and lesbian relationship attend public events of the school?
- How are these matters discussed in a manner consistent with the way all other aspects of Halakha are treated in the school environment?

Schools must also take active steps to prevent bullying and discrimination towards students who are either themselves gay or lesbian or have (a) gay or lesbian parent(s). If our schools are to succeed as environments for the teaching of Torah and the fostering of personal development, all students must feel safe and respected. We need to adopt clear policies prohibiting discrimination, bullying, and other unfair treatment of any student, regardless of sexual orientation or gender identity. School administrators and lay leadership carry the ultimate responsibility for ensuring oversight over teacher-student and student-student behavior and using the appropriate means to address concerns. Rabbi Sir Ephraim Mirvis, Chief Rabbi of the United Kingdom, has produced a groundbreaking and forward-thinking set of guidelines for those working toward greater sensitivity in Orthodox schools, and his suggestions should be adopted in our schools and yeshivot. Schools should also consider signing a non-discrimination pledge, such as the one adopted by Shalhevet High School in Los Angeles, or a similar version tailored to the particular school's needs.

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73 Devarim 24:16.
Beyond all else, the most crucial step for our community and its leaders to take is to listen. Gay and lesbian Orthodox Jews are asking that their voices be heard, and we can do no less. Their stories, questions, and challenges need to be clearly recognized and directly addressed with sincerity and sensitivity. In an age when so many are looking for alternatives to frum life, the request on the part of queer Jews to be included in the world of Torah and mitzvot should not be disparaged but encouraged and embraced. It is upon us to accept LGBTQ Jews for who they are. Whatever we think about homosexuality should have no bearing on the respect and dignity we need to demonstrate to everyone, for the Torah is as much theirs as it is our own. In a letter to a young gay man trying to make sense of how to live a Torah life, Rabbi Aharon Feldman offered the following wisdom, which we as a community are called upon to accept as our indisputable default position when addressing questions of LGBTQ inclusion in Orthodoxy:

Whatever the source of this nature [homosexuality], 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 toward service to God.76

Conclusion

There is no doubt that some readers of this article, whether themselves queer or their straight allies, will argue that I have not gone far enough in calling for systemic changes to Modern Orthodoxy’s way of life. Still others of a more conservative bent will peremptorily reject what I have written as beholden to a progressive agenda and out of the bounds of Torah. All I can say is that I have made my best efforts to be honest with the reader and with myself. I pray that I have walked the proper line to show commitment to all aspects of Jewish law. My voice represents my own feelings as they have been shaped by decades working as the Senior Rabbi of the Boca Raton Synagogue community, Vice President at Yeshiva University/RIETS, and President and Rosh HaYeshiva of Ohr Torah Stone. I have heard the voices of students, couples, and their parents and grandparents; witnessed their deep struggles; engaged with them in navigating their intense desire to belong; and have seen firsthand the pain they have experienced by our community’s behavior, from the mild to the immeasurably tragic.

A sector of our community is searching for its place. If we are truly committed to the continuity of Jewish life and all that the Torah expects of us, we are charged to ensure every single gay and lesbian Orthodox Jew feels welcome among us — for each of them is one of us.

76 Feldman, ibid.
Rabbi Dr. Katriel (Kenneth) Brander is President and Rosh HaYeshiva of the Ohr Torah Stone network of 31 educational institutions, including six high schools, two yeshivot hesder, kolelim, three midrashot and advanced learning programs for women, outreach endeavors, agunah advocacy, emissaries throughout the diaspora, special needs inclusion programs, and social action projects.

A noted educational innovator and community cultivator with critical experience in creating, developing and maintaining religious institutions of learning and leadership, Rabbi Brander joined Ohr Torah Stone in 2018. Prior to that, Rabbi Brander had served as Vice President for University and Community Life, as well as the inaugural David Mitzner Dean of The Center for the Jewish Future (CJF) at Yeshiva University (YU), where he also taught rabbinic courses at the Rabbi Isaac Elchanan Theological Seminary (RIETS).

Rabbi Brander came to YU after 14 years of serving as the senior rabbi of the Boca Raton Synagogue (1991–2005), overseeing its explosive growth from 60 families to more than 600 families. As one of the fastest growing modern Orthodox communities in the United States, he also is credited with building key institutions to support Jewish life in the region. He became the founding dean of The Katz Yeshiva High School — the first Jewish high school between North Miami Beach and Atlanta, Georgia, was instrumental in the development of the Katz Hillel Day School, and established the Hahn Judaic Campus, upon which many institutions of Jewish learning are based.

Rabbi Brander has published numerous articles on Jewish law and philosophy which have appeared in various scholarly journals, has served as the editor for The Yeshiva University Haggada (Ktav: New York, 1985), and has been interviewed in the New York Times, Washington Post, Wall Street Journal, Jerusalem Post and in multiple media outlets throughout the world. He delivers popular lectures in various areas of Jewish thought and jurisprudence and has lectured in communities throughout North America, the United Kingdom, South Africa, Australia and Israel.

He is a 1984 alumnus of Yeshiva College and received his ordination from the Rabbi Isaac Elchanan Theological Seminary in 1986. During that time (1982–1985), he served as a student assistant to Rabbi Joseph B. Soloveitchik. Rabbi Brander also received special ordination from the Machon Puah center of medical ethics in Israel, and from then-Chief Rabbi Mordechai Eliyahu, in the field of medical ethics, reproductive technology and halakha.

Rabbi Brander holds a Ph.D. in general philosophy and comparative literature from Florida Atlantic University. He wrote his dissertation on “The Temple in Jerusalem Idealized and the Historic-Synagogue-Institution: A Study in Synagogue Purposes in an American Context.”
Ohr Torah Stone’s 30 educational institutions, social projects, outreach programs and leadership development initiatives for men and women are committed to illuminating the beauty and relevance of authentic Torah Judaism in Israel and throughout the world.