

Rabbinic Responsibility for LGBT Jews

By Rabbi Mike Moskowitz

The Jerusalem Talmud offers some life-saving advice for new rabbis to see communal responsibility as spiritual practice. It opens with a very distressing statement: If someone is in a life-threatening situation and the rabbi is asked whether it is permissible to desecrate the Sabbath to try to save the person's life, it is a repulsive thing. The commentators explain that the deficiency lies in the scholars who didn't make it properly known how Judaism elevates life over ritual observance. We find even harsher language in the Code of Jewish law (O.C. 328:2): "It is a *mitzvah* to desecrate the Sabbath on behalf of such a person. One who does so punctiliously is praiseworthy, and one who asks if it is permissible is a murderer."

If one who asks is called murderous, what do we call those who silence the question by denying the existence of LGBT folks and their needs? We can repent, if necessary, for being too zealous in creating safe spaces, but no amount of repenting will ever bring back someone we have failed to protect. Those who deny the dignity of LGBT folks go against this core Jewish teaching.

As we prepare for Shavuot, and accepting the Torah, I would like to share with you what I find to be the comfort and responsibility the Torah contributes to the world by briefly exploring the *mitzvah* of saving a life that comes from a verse in the Torah portion we just read, Leviticus 18:5: "You shall Observe My decrees and My judgments, which a person shall carry out and live by them - I am HaShem."

From this verse Maimonides writes (Shabbos 2:3): "Learn that the laws of the Torah only exist in the world for mercy, loving kindness, and peace in the world. It is the heretics who say that this (breaking the Sabbath to save a life) is a desecration of the Sabbath and is forbidden." It is on them that Ezekiel 20:25 writes: "Wherefore I gave them also statutes that were not good, and ordinances whereby they could not live."

There is a fascinating disagreement in rabbinic literature on the Divine, pre-Sinaitic, expectation of one's own spiritual practice when it is in conflict with the physical well-being of another. It is worth investigating the baseline of natural law, to better understand the layer that the Torah adds.

God appeared to Moses in Midian and instructs him to return to Egypt and tell Pharaoh to free the Children of Israel. At the same time, Moses has a son who needs to be circumcised. The medieval commentator Rashi quotes Moshe's internal conflict. "Shall I perform the circumcision and then depart on the journey? Traveling poses a danger to the infant until three days. Shall I perform the circumcision and wait three days? But, The Holy One has commanded me, 'Go!'"

Return to Egypt'." Before the Torah was given, did the physical wellbeing of another factor into one's own spiritual calculation?

The Mizrachi (c1455-1526) argues that Moshe is punished for not following the Divine directives to both circumcise his son and go back to Egypt (Exodus 4:24). "When he was on the way, at the inn, Hashem encountered him and sought to kill him" because he chose to delay the circumcision. Mizrachi explains that the verse "to live by them," which permits a person to prioritize life over fulfilling commandments, hadn't yet been given and therefore if God tells you to do something, it is at all cost.

The Maharal of Prague (c1520-1609) is very disturbed by this position and writes that we don't need the Torah to come and teach us that folks don't need to die so that others can perform better spiritually, "because there are many things that wise people know from being intuitive about rational ideas." So what then is the verse "to live by them" instructing us, if we already know that we don't need to prioritize "being observant" over another's well-being, even without being told explicitly?

When we stood under the mountain as "one person with one heart," we no longer saw another's physical needs as competing with our own spiritual ones. With this verse we are commanded to ensure that all are provided for: *Yenum's Olam HaZe is Mine Olam HaBa* - Another's physical world is my spiritual world!

The Torah was never given to individuals, but only to the collective. We live in very difficult times. Religion can help. Community can help. Religious communities have a unique responsibility in preventing feelings of isolation and rejection that are the largest contributors to suicide. Situations in which there is only a small chance that it will result in a fatality, God forbid, are considered life-threatening by Jewish Law and require all means necessary to try to save the person. For folks whose very identity is challenged, protested, and threatened, who say "Rabbi, you don't understand, I can't keep living like this," by not being supportive, it is we that are creating the life-threatening situation.

Accepting the Torah requires us to be outwardly focused toward those who are the most vulnerable, marginalized, and frightened. May we restore the glory and healing of God, Torah, and the Jewish People by re-embracing the holy posture of unified inclusivity just like we did at Mt. Sinai originally; like one person with one heart seeing the needs of others as our own.