

RABBI NORMAN LAMM
THE JEWISH CENTER
131 WEST 86TH STREET
NEW YORK, N. Y. 10024
SCHUYLER 4-3511

RECEIVED
April 25, 1968
APR 29 1968

Mr. Saul Bernstein
UOJCA
84 Fifth Ave.
N.Y., N.Y. 10011

Dear Saul:

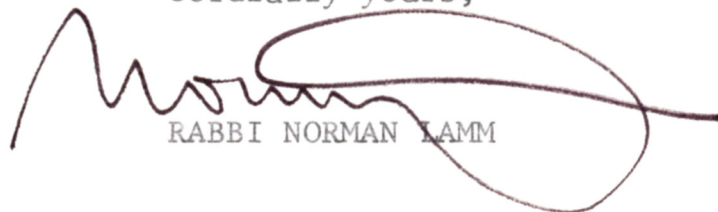
I am returning to you the photocopy of Morris Smith's letter to the editor, and including a letter from Rabbi Richard Israel of Yale, plus a response by myself.

I suggest that the Smith letter be printed first, followed by the Israel letter, and then my answer. Israel first sent his letter to me as a private communication. I then received his permission to reword the letter referring to me in the third person, and have it printed as a letter to the editor of JEWISH LIFE.

Since these are communications and not articles, they should be "uncensored" by the editor. Nevertheless, I would very much appreciate any comments you may have to make about my response.

Please let me know when you expect to have these letters published, and please arrange to let me have several extra copies.

Cordially yours,



RABBI NORMAN LAMM

RNL/fz
encs.

1543 So. Rexford Drive
Los Angeles, Calif. 90035
March 21, 1968

JEWISH LIFE
84 Fifth Avenue
New York, N. Y. 10011

MAR 27 Rec'd

Gentlemen:

Rabbi Lamm's article on homosexuality in your January-February 1968 edition is most interesting. It represents an application of Jewish principles to a modern subject, an updating of Jewish law to modern life. It is a welcome addition to Jewish thinking for relatively unlearned individuals such as myself. However one of the conclusions (or side remarks) I find most troublesome - - disturbing if it reflects the general attitude in the Orthodox leadership.

I refer to the statements that the author presents for advocating that homosexuality should not be treated as a criminal offense. Briefly the two reasons given are (1) our present society and its judiciary is such that the courts do not wish to intervene when other individuals and society are not directly involved, and (2) our prisons as now constituted would worsen the homosexual's condition.

I assume that the Rabbi agrees that the Orthodox Jew (and others) whom he seeks to guide as well as to teach should be involved in American social and political life, and should participate in developing its laws and its practices. And I also assume that it is desirable for the Jew to foster the implementation by the general community of the Noachide laws. On the basis of these two assumptions, I question strongly the validity of the two conclusions of Rabbi Lamm noted above. On the first, we accept the thesis that Judaism is unequivocally committed to higher moral practices. For Jews only? Obviously not; so obviously that we need not say more on this point. We may safely say that the Jew accepts the yoke of the Torah for himself, and believes that the non-Jew should accept those moral and ethical ideals as are stated or implied in the Noachide laws. With this purpose, the Jew may act by example, by teaching and explaining, and by cooperating with the general community in specific actions, including community and political activities. The current attitude in some parts of the general community and of some courts in refusing to act except when an individual is directly and manifestly harmed is questionable, especially by Jewish standards, is not universally accepted, and in this country is of recent vintage. Actually one senses a struggle within both the general society and in the courts concerning this issue. It ill behooves the Jew to establish himself either as a practicing neutral or in favor of the trend. If a significant portion of the general community seeks to prohibit actions which the Torah condemns both in Jews and non-Jews, we should support these efforts by positive actions - - pious platitudes and academic scholarly dissertations are inadequate, especially by Jewish standards. Would we be so academic if we

sensed a trend towards acceptance of murder, robbery, minority oppressions, etc? Of course not. We have a responsibility to propose measures to penalize criminally sinful activities.

The inadequacy of our present penal institutions is a handicap to the punishment of criminals, not a bar. If it were the only objection, we should seek to develop suitable penal methods, not to deny or void the nature of criminal acts. In general any punishment, either under our ancient state or under modern conditions, involves undesirable features; imprisonment for any crime does not necessarily lead to rehabilitation. I do not believe that Rabbi Lamm would for this reason advocate the elimination of all punitive legislation. For that matter, Jewish law concerning criminal offenses includes reasons other than rehabilitation. Concerning this subject, ~~Exat~~ the rabbi is far more competent than I; I suggest that consideration of the Jewish principles underlying criminal prosecution would be pertinent in this matter, and should have bearing on our attitudes.

I have written at length on this subject because I believe most strongly that Orthodox Jewry should advocate specific concrete steps for attacking the deficiencies such as this which are rending the general society. I have noted other such areas in which thinking Jews appear to realize the existence of problems - - and at present offer only philosophical dissertations. This is especially true in the field of personal morality. May I suggest that the developing Jewish rabbinate in this country should give us guidance in providing positive measures for applying our traditions to the modern American scene?

Sincerely yours,

Morris Smith

Morris Smith

Dear Mr. Bernstein:

I have just finished Rabbi Lamm's article on homosexuality in JEWISH LIFE and wonder if he hasn't let himself off the hook a bit too easily. It would seem to me that a straight reading of our literature would say that the Jewish position ought to be to push for increasingly severe penalties, perhaps not death, as the Puritans read it, but certainly some kind of harsh treatment. There is a venerable tradition for judging the suicide gently. There is no such tradition that I know of to help the homosexual.

My reservations about his article are not in the fact that he has tried to consider homosexuality a disease. Though that is by no means a simple question, I think I would agree with him. My problem concerns his rather belligerent tone. Isn't he ultimately in the same situation as many of those whom he opposes, finding some aspects of Torah law rather difficult and attempting to mitigate aspects of its apparent harshness without abandoning the structure? It is a valuable effort that he makes and in fact precisely what tikkun olam is all about, an attempt to ameliorate the stringencies of the Divine imperative with what from our own human point of view, man in fact seems able to achieve.

As I read his piece, the issue is, how upset people should be by homosexuality. He says one should be more upset by it than the people he takes issue with are. Fair enough. But his bubbas and ^{them} Azdehs would have agreed with neither of ~~him~~ and would have been horrified with both.

^{them}
of him. In essence, I suspect that his position is far more radical than he is willing to admit. I wonder if he is entitled to quite as bellicose a stance as he takes.

Sincerely,

Richard J. Israel
Director, Binai B'nai
Jude University
New Haven, Conn.