

History of Israel and LGBTQ Rights

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Enduring Understandings:

Israel is the only country in the Middle East that respects the rights of LGBTQ people.

The success of any Civil Rights/advocacy movement is the result of the combined efforts of those willing to engage in civil discourse and discussion and that freedom and equality does not come without effort.

Advocacy is critical to personal, family and community health.

Jewish tradition uniquely obliges us to have the *ometz lev* ("courage") to pursue *tzedek* ("justice") and *rachman* ("compassion") in order to help repair the world. (*Tikkun Olam*)

Essential questions:

What is justice?

What does it mean to advocate?

How does advocacy demonstrate a free society?

What are different types of societal freedom and how do they protect and defend us?

How have the actions of the Civil Rights/LGBTQ Rights movement affected your everyday life?

What deeds can we do to pursue justice? To show compassion? Do the two ever conflict?

What are some injustices of our society?

What situations call for compassion?

What values do Americans, Jews, and Israeli Jews hold in common?

Do Israeli values or laws ever conflict with Jewish values or laws?

How can we help repair the world?

Why does *Tikkun Olam* sometimes require courage?

Students will know:

1. That the Gay Rights movement developed differently in Israel and the US. In the US it was a culmination of many events between government, groups, and individuals; in Israel gov't made decisions.
2. That the common theme among these movements is that universal rights are a social issue that continues to be debated and examined.
3. That while the Gay Rights helped to progress the rights of LGBTQ Israelis, it also escalated religious tensions in some areas of the country (Israel).

Students will be able to

1. Analyze and evaluate the situations, events, and choices that occurred between government, groups, and individuals.
2. Compare and contrast multiple primary and secondary sources to find a universal theme among documents related to LGBTQ rights.
3. Analyze legislation passed regarding LGBTQ rights and evaluate its effectiveness on different areas of the country.

Background:

United States: Source: Boundless. "The Movement for Gay and Lesbian Civil Rights." Boundless Sociology. Boundless, 25 Nov. 2015. Retrieved 09 May. 2016 from

<https://www.boundless.com/sociology/textbooks/boundless-sociology-textbook/sexuality-20/socialization-and-human-sexuality-137/the-movement-for-gay-and-lesbian-civil-rights-756-10494/>

- Though some states have equal rights laws, many gay and lesbian couples are still denied the same marriage rights as heterosexual couples and cannot file joint taxes, cannot share custody of children, cannot have hospital visitation rights, or inheritance.
- The first organizations in the US that worked to improve LGBT issues were known as homophile organizations, such as the Mattachine Society and the Daughters of Bilitis.
- Sodomy laws are laws against any sexual contact other than heterosexual intercourse.
- The Stonewall Riots were riots in New York City in 1969 that are frequently thought of as the start of the movement by LGBT people to decriminalize homosexuality.
- In 1986, the US Supreme Court found that states could criminalize homosexuality in *Bowers v. Hardwick*.

- In 2003, the US Supreme Court ruled in *Lawrence v. Texas* that anti-sodomy laws violated an individual's right to privacy. Currently, many LGBT organizations are working to achieve the right for same-sex couples to marry.
- "[Same-sex civil unions](#)" also referred to as a civil partnership; a legally recognized form of partnership similar to marriage. Beginning with Denmark in 1989, civil unions under one name or another have been established by law in several, mostly developed, countries in order to provide same-sex couples rights, benefits, and responsibilities similar (in some countries, identical) to opposite-sex civil marriage.
- [Defense of Marriage Act \(DOMA\)](#) is a United States federal law that defines marriage as the legal union of one man and one woman.

LGBTQ+ Organizations in the United States (not complete):

1. [Accord Alliance](#)
2. [ACT UP](#)
3. [Advocates for Informed Choice \(AIC\)](#)
4. [Affirmation: Gay & Lesbian Mormons](#)
5. [Against Equality](#)
6. [American Foundation for Equal Rights](#)
7. [American Veterans for Equal Rights](#)
8. [Athlete Ally](#)
9. [Atticus Circle](#)
10. [Bash Back! \(defunct\)](#)
11. [Bialogue](#)
12. [BiLaw](#), founded in 2013, the first American national organization of bisexual lawyers, law professors, law students, and their allies.^{[1][2]}
13. [BiNet USA](#)
14. [Campus Pride](#)
15. [Cheer, Dorothy, Cheer!](#)
16. [Children of Lesbians and Gays Everywhere \(COLAGE\)](#)
17. [Daughters of Bilitis \(defunct\)](#)
18. [Empowering Spirits Foundation](#)
19. [Equality Across America](#)

20. Equality Federation
21. Family Equality Council
22. Fight OUT Loud
23. Fine By Me (defunct)
24. Freedom to Marry
25. Gay & Lesbian Advocates & Defenders (GLAD)
26. Gay and Lesbian Medical Association (GLMA)
27. Gay & Lesbian Victory Fund
28. Gay, Lesbian and Straight Education Network (GLSEN)
29. Gay Liberation Front (GLF) (defunct)
30. Gay Rights National Lobby (defunct)
31. GenderPAC (GPAC) (defunct)
32. GetEQUAL
33. GLAAD
34. GLIFAA
35. Global Equality Fund
36. GSA Network
37. Human Rights Campaign (HRC)
38. Immigration Equality (organization)
39. Integrity USA (Episcopal Church)
40. International Foundation for Gender Education (IFGE)
41. Join the Impact (defunct)
42. Keshet (organization)
43. LPAC
44. Lambda Legal
45. Lavender Menace (defunct)
46. Lesbian Avengers
47. Love Makes a Family
48. Marriage Equality USA
49. Mattachine Society
50. Matthew Shepard Foundation

51. National Black Justice Coalition (NBJC)
52. National Center for Lesbian Rights (NCLR)
53. National Center for Transgender Equality (NCTE)
54. National Coalition of Black Lesbians and Gays (defunct)
55. National Gay & Lesbian Chamber of Commerce (NGLCC)
56. National LGBTQ Task Force (The Task Force)
57. National Transgender Advocacy Coalition
58. National Youth Advocacy Coalition (NYAC) (defunct)
59. NOH8 Campaign
60. North American Conference of Homophile Organizations (defunct)
61. Organization Intersex International USA (OII-USA)
62. ONE National Gay & Lesbian Archives
63. Out & Equal
64. OutServe-SLDN
65. PFLAG
66. Pride at Work
67. Queer Nation
68. RESYST (defunct)
69. Rainbow Sash
70. Services & Advocacy for GLBT Elders (SAGE)
71. Servicemembers Legal Defense Network (SLDN)
72. Society for Human Rights (defunct)
73. Soulforce
74. Sylvia Rivera Law Project
75. Think Again
76. Trans Student Equality Resources
77. Transgender Law Center
78. Truth Wins Out

Israel - There is no magic mythical beginning to Israel's LGBT community, like the 1969 Stonewall riots that sparked American queers into action. Instead, changes in the values and politics of Israeli society over the past twenty years or so created the space in which a gay and lesbian community could coalesce.

The first gay organization was established in 1975, thanks largely to the work of immigrants from the United States and other English-speaking countries influenced by the development of gay liberation and the counterculture of the 1960s.

Something very important to note is that in Israel the Orthodox Rabbinate (The *Rabbanut*) has control over all life cycle events in Israel. All marriages MUST be under the auspices of an Orthodox rabbi. Conservative, Reform, Non-Jewish, and Interfaith marriages are not accepted as well as same-sex marriages. This is a very political issue that goes beyond the LGBTQ rights movement and goes to the core of Religion/State in Israel. To get around these religious laws, many Israelis go to Cyprus to get married.

<http://www.timesofisrael.com/support-for-same-sex-union-in-israel-soars-poll/>

New: May 27, 2016 - Miss. TransIsrael is Israeli-Arab



Ta'alin Abu Hanna

<http://www.jpost.com/Israel-News/Israel-Arab-named-first-ever-Miss-Trans-Israel-455218>

<http://time.com/4352201/talleen-abu-hanna-first-miss-trans-israel/>

<http://www.cbsnews.com/news/israeli-christian-wins-first-miss-trans-israel-pageant/>

<http://www.timesofisrael.com/israeli-catholic-wins-first-miss-trans-israel-pageant/>

http://www.huffingtonpost.com/entry/a-christian-arab-just-won-israels-transgender-beauty-pageant_us_574dd88de4b0757eae0cbf3

From Wikipedia:

Israel: **Lesbian, gay, bisexual, and transgender (LGBT) rights in Israel** are the most advanced in the **Middle East** and one of the most advanced in **Asia**. Same-sex sexual activity was legalized in 1988, although the former law against sodomy had not been enforced since a court decision of 1963. Israel became the first in Asia to recognize **unregistered cohabitation** between same-sex couples, making it the only country in Asia to recognize any same-sex union thus far. Although **same-sex marriages** are not performed in the country, Israel recognizes same-sex marriages performed elsewhere, making it the first and only country in Asia to do so.

Discrimination on the grounds of sexual orientation was prohibited in 1992. Same-sex couples are allowed to jointly adopt after a court decision in 2008, while previously allowing stepchild adoptions and limited co-guardianship rights for non-biological parents. Gays and lesbians are also allowed to serve **openly** in the military.

Recent polls have indicated that a majority of **Israelis** support same-sex marriage, despite some **social conservatism**. **Tel Aviv** has frequently been referred to by publishers as one of the most gay friendly cities in the world, famous for its annual **Pride Parade** and gay beach, earning it the nickname "the gay capital of the Middle East" by **Out** magazine. According to LGBT travelers, it was ranked as the best gay city in 2011, despite reports of some LGBT violence during the 2000s, which were criticized by Prime Minister **Benjamin Netanyahu** and President **Shimon Peres**. A monument dedicated to the **gay victims of the Holocaust** was erected in Tel Aviv in 2014.

LGBTQ+ Organizations in Israel (not complete):

1. A Wider Bridge
2. Bat Kol
3. Black Laundry
4. The Gay Center, Tel Aviv-Yafo
5. Havruta (organization)
6. Hod (organization)
7. Hoshen (organization)
8. Israeli Gay, Lesbian, Bisexual and Transgender Association
9. Jerusalem Open House
10. Shoval (organization)
11. Gay, Lesbian, Bisexual and Transgender Association
12. Israel Gay Youth
13. **AILO – Alliance of Israeli LGBT Educational Organizations**

Primary Sources

Using Primary Sources gives us different and personal perspectives of an event. In this lesson, we will use primary sources (Supreme Court arguments) as a way of understanding how a law changed and a new one came into being. (There are also many other links to primary sources, and pictures are also wonderful primary sources.) To understand the importance of how to use primary sources, here are a few links:

Jewish Woman's Archive - <http://jwa.org/teach/working-with-primary-sources>

Primary Source - <http://www.primarysource.org/home>

Jewish Sources:

The primary Jewish source for equality is Genesis 1:27

: וַיְבָרֵא אֱלֹהִים | אֶת-הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם :

Genesis 1:27, “And God created humans in God’s own image, in the image of God, God created them; male and female God created them.”

For a great source sheet for your information see:

<http://www.sefaria.org/sheets/19036>

<http://www.sefaria.org/sheets/26367>

On LGBTQ:

<http://www.sefaria.org/sheets/7209>

Lesson:

Anticipatory Set (Set Induction): Start the session by having students take the following quiz:

What do you think about the following statements regarding LGBTQ Rights in Israel?	
Statement:	True or False?
In Israel, sexual relations between same-sex partners are illegal.	
Anti-discrimination laws apply to LGBTQ+.	
Israel does not recognize domestic partnerships of same-sex couples.	
Same-sex marriages cannot be performed in Israel.	
Gay couples married outside of Israel are not considered legally married in Israel .	
A gay person may legally adopt his or her partner's child(ren).	
A gay couple who are co-parents could be called up simultaneously for IDF reserve duty.	
Gays and lesbians are allowed to serve in the military.	
No one can legally change his or her gender in Israel.	
Lesbians have access to free in vitro fertilization for attempts at conception and pregnancy.	
To become parents, gay men cannot legally hire a surrogate.	

(Teachers, please note: answers alternate between F and T from the top down)

Next, have the students take the same quiz about US:

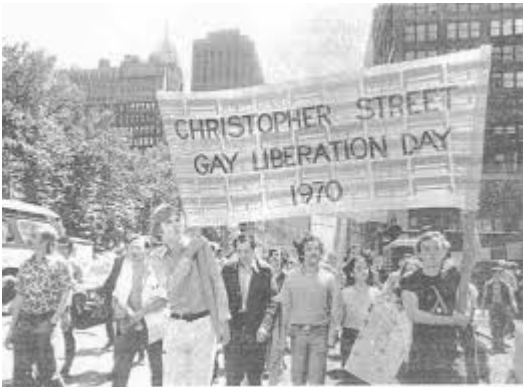
What do you think about the following statements regarding LGBTQ Rights the US	
Statement:	True or False?
In the US, sexual relations between same-sex partners are illegal.	
Anti-discrimination laws apply to LGBTQ+.	
The US does not recognize domestic partnerships of same-sex couples.	
Same-sex marriages cannot be performed in the US.	
Gay couples married outside of the US are not considered legally married in the US.	
A gay person may legally adopt his or her partner's child(ren).	
A gay couple who are co-parents could be called up simultaneously for military reserve duty.	
Gays and lesbians are allowed to serve in the military.	
No one can legally change his or her gender in the US.	
Lesbians have access to free in vitro fertilization for attempts at conception and pregnancy.	
To become parents, gay men cannot legally hire a surrogate.	

Go over responses. Depending on the size of the group, either have a group discussion or ask the students to work with partners. Ask the students the following question: Are the correct answers what you expected? Why/Why not?

Teacher/Facilitator Direct instruction: In the US the Civil Rights movement started in 1954, only 6 years after the founding of the State of Israel. In 1950 the first Gay Rights group started and in 1955 the first Lesbian Rights groups started in San Francisco, but the start of the Gay Rights movement is usually marked by the 1969 Stonewall riots. These riots were 3 days long in NYC started when police raided the Stonewall Inn, a popular gay bar. (Below are pictures of the riots.)



One year later, on Christopher St. Liberation Day commemorates the 1 year anniversary of the Stonewall riots. Following the event, thousands of members of the LGBT community march through New York into Central Park, in what will be considered America's first gay pride parade. (Below are pictures from the first Pride Parade in the US.)



Optional video: <https://www.youtube.com/watch?v=jgtyIAv2bY>



There is no one defining moment that started the LGBTQ movement. **The first gay organization, Aguda was established in 1975, thanks largely to the work of immigrants from the United States and other English-speaking countries.** The first gay pride parade was in 1993 and was originally called the Tel Aviv Love Parade. Pride is now a week long event with its own website. (of course) In 1994 Supreme Court ruled that same sex cohabitation partners would get the same benefits as married couples. (Below are pictures from Israel Pride.)









כשר
kosher

choco

חלב

חלב

Ask students: What differences do you see in the pictures?

Lesbian, gay, bisexual, and transgender (LGBT) rights in the United States have evolved over time and vary on a [jurisdiction-by-jurisdiction](#) basis. In Israel we see that the while the laws have evolved, the time has been much shorter and in many cases sooner than in the United States. Laws in Israel are also laws for the entire country.

Did you know? In the following activity, divide the group into 6 groups and have them present their section to the group.

Law	Israel	United States
Same sex sexual activity	Legal since 1988 (Attorney General stated in 1963 that no laws inherited from the British Gov't would be enforced.)	Legal since 2003. Lawrence v. Texas .
Gender Identity/Expression	Legal Sex Change possible without surgery.	Depends on State and Jurisdiction.
Military Service	Gays and lesbians allowed to serve openly since 1983 .	Gays and lesbians allowed to serve openly since 2011, when " Don't Ask, Don't Tell " was revoked.
Discrimination Protections	Sexual orientation protection in employment and other services; both sexual orientation and gender identity protections in schools.	Varies by jurisdiction. Federal hate-crime law includes sexual orientation and gender identity since 2009 . Federal executive order prohibiting discrimination based on sexual orientation for employees in the federal civilian workforce , since 1998.
Recognition of Relationships	Unregistered cohabitation since 1994 ; Same-sex marriages performed outside of Israel recognized since 2006 Only marriages sanctioned by the religious authorities may be performed within Israel (this applies to opposite-sex couples who are not eligible for religious	Legal nationwide since 2015 , (Obergefell v. Hodges) Same-sex marriage has been legally recognized by the federal government since 2013 (United States v. Windsor). (Except for some tribal jurisdictions)

	weddings also. See background info.)	
Adoption	Same-sex couples may adopt jointly .	Legal in 50 states since 2015. Legal in Mississippi since March 2016 (holdout state), except for some tribal jurisdictions.

Primary Sources:

As per the background information, decide how you want to divide the students, in Chevruta (2) style or in larger groups. Once the texts are analyzed, leave time to compare and contrast the texts.

Use the following worksheet to help analyze the following texts:

<http://www.loc.gov/teachers/primary-source-analysis-tool/>

[http://www.loc.gov/teachers/usingprimarysources/resources/Primary Source Analysis Tool.pdf](http://www.loc.gov/teachers/usingprimarysources/resources/Primary_Source_Analysis_Tool.pdf)

[Israel Supreme Court Ruling on](#) Same Sex Marriage:

Before we conclude, let us reemphasize what it is that we are deciding today, and what it is that we are not deciding today. We are deciding that within the context of the status of the population registry as a recorder of statistics, and in view of the role of the registration official as a collector of statistical material for the purpose of managing the registry, the registration official should register in the population register what is implied by the public certificate that is presented to him by the petitioners, according to which the petitioners are married. We are not deciding that marriage between persons of the same sex is recognized in Israel; we are not recognizing a new status of such marriages; we are not adopting any position with regard to recognition in Israel of marriages between persons of the same sex that take place outside Israel (whether between Israeli residents or between persons who are not Israeli residents). The answer to these questions, to which we are giving no answer today, is difficult and complex.

*(See Y. Yonay, "The Law on Homosexual Orientation in Israel: Between History and Sociology," 4 Mishpat Mimshal 531 (1998); A. Harel, "The Courts and Homosexuality — Respect or Tolerance?" 4 Mishpat Mimshal 785 (1998); M. Tamir (Yitzhaki), "The Right of Homosexuals and Lesbians to Equality," 45 HaPrakit 94 (2000); A. Harel, "The Rise and Fall of the Homosexual Legal Revolution," 7 HaMishpat 195 (2002); Y. Marin, "Marriage between Same-Sex Couples and the Failure of Alternatives to Legal Regulation of Single-Sex Couples," 7 HaMishpat 253 (2002); Y. Biton, "The Effect of the Basic Law: Human Dignity and Liberty on the Status of Single-Sex Couples," 2 Kiryat HCJ 3045/05 Ben-Ari v. Director of Population Administration 309 President Emeritus A. Barak HaMishpat 401 (2002); see also E. Heinze, "Sexual Orientation: A Human Right" (1995); R. Wintemute, *Sexual Orientation and Human Rights* (1995); R. Wintemute and M. Andenas (eds.), *Legal Recognition of Same-Sex Partnerships* (2001); D.R. Pinello, *Gay Rights and American Law* (2003); E. Gerstmann, *Same-Sex Marriage and the Constitution* (2004). It is to be hoped that the Knesset can direct its attention to these, or some of them. The result is that we are making the order nisi absolute. The respondent shall register the petitioners as married in item 2(a)(7) of the population register.*

תלמוד ירושלמי נדרים פרק ט: הל' ד

/ה"ד/

ואהבת לרעך כמוך ר' עקיבה או' זהו כלל גדול בתורה בן עזאי אומ' זה ספר תולדות אדם זה כלל גדול מזה .

Jerusalem Talmud Nedarim 9:4

Rabbi Akiva taught: “Love your neighbor as yourself” (Leviticus 19). This is the major principle of the Torah. Ben Azzai says “This is the book of the generations of Adam. In the day that G-d created man, in the likeness of G-d made He him” (Genesis 5:1). This is an even greater principle.

Questions:

What do these texts mean to you? What is the Jewish tradition telling you?

How are you created in G-d's image? What are your godlike qualities?

How can you be more godlike?

As a community, what can we do to be more godlike?