



March 19, 2024

Kevin E. Bryant
Deputy Director
Office of Directives Management
Department of State
600 19th St. NW Washington, DC 20036
Submitted electronically

Re: Nondiscrimination in Foreign Assistance
RIN 1400-AF65
Docket ID: DOS-2023-0015

Dear Mr. Bryant,

The Coalition for Jewish Values, representing over 2,500 rabbis in matters of public policy, opposes the U.S. Department of State’s proposed rulemaking, “Nondiscrimination in Foreign Assistance.” as it will enforce socially progressive policies on religious foreign groups.

In Orthodox Jewish tradition, many practices that are viewed as “inclusive” and progressive” in American society are prohibited by Jewish law. Some examples of this include transgender surgeries, cross-dressing, same-sex marriage, and abortion. The proposed rule will exclude Orthodox organizations from grant funding due to their support for the traditional values we have upheld for millennia.

Nowhere in Jewish tradition or Biblical texts is credence given to the notion that a person’s sexual orientation or gender classification constitutes their *identity*. This refers both to the desires of a person to partner with another of the same sex, as well as the idea that a person with gender dysphoria is truly of the opposite sex.

In discussing the creation of human beings, the Torah states, “G-d created man in His image...male and female He created them.”¹ In the Medrash, the rabbis explain that G-d initially created Adam as one androgynous being, and then split them into male and female,² intended to

¹Genesis 1:27

²Bereishis Rabbah 8:1

reunite into one flesh.³ This reunion happens through having children.⁴ The only relationship sanctioned by Torah is that which, ideally, results in children conceived in a matrimonial relationship and raised in a two-parent home. All aspects of LGBTQIA+ reject these Biblical norms.

The Torah also states that “G-d saw all that He had made, and behold it was very good.”⁵ From this, the rabbis teach us that G-d created the world and all that was in it with wisdom and perfection, including our bodies. The Torah prohibits Jews from even receiving permanent tattoos,⁶ much less castration.⁷ This is why Jewish law does not recognize any form of gender-altering surgery, cross-dressing, or gender identification that is contrary to biological sex. Even cross-dressing is Biblically prohibited.⁸

Additionally, the Torah is very explicit in its prohibition against same-sex marriage or any relationship that deviates from traditional matrimony. These behaviors are referred to as an abomination, with no exceptions.⁹ The Talmud even records praise for the pagan world that “they do not write marriage documents for men.” One of the foremost commentators explained nearly a millennium ago that although the behavior was common, and they even had specific, dedicated same-sex partners, they at least refrained from calling it “marriage.”¹⁰

With regard to abortion, a fetus is clearly deemed to be an independent life. The Talmud and Code of Jewish Law instruct us to violate the Sabbath, which is permitted only to save a life, to open the womb of a deceased woman whose fetus may have survived.¹¹ The Mishnah similarly teaches that from the moment a stillborn child leaves the womb, he or she confers the same spiritual impurity as does any deceased person.¹² Abortion is permitted only in order to save the life of the mother, “because her life precedes his.”¹³ In his legal code, Maimonides records this unique exception as part of his Laws of Murder.¹⁴ Additionally, the Zohar, the famous repository of Jewish mysticism, describes one who destroys a fetus as having destroyed G-d’s handiwork and having pushed away the Divine Presence.¹⁵

³Genesis 2:24

⁴Commentary of Rabbi Shlomo Yitzchaki

⁵Genesis 1:31

⁶Leviticus 19:28

⁷Leviticus 22:24

⁸Deuteronomy 22:5

⁹Leviticus 18:22; regarding women see Sifra, Acharei Mot 13:10 and Mishneh Torah, Issurei Biah 21:8.

¹⁰Tractate Chulin 92b; Rabbi Shlomo Yitzhaki ad loc

¹¹Arachin 7a, O”Ch 330:5

¹²Ohalos 7:4-5

¹³Ohalos 7:6

¹⁴1:9

¹⁵Exodus 3b

Furthermore, due to the ambiguity of the proposed ruling, it is possible that faith-based organizations will be unable to employ individuals exclusively of their own faith, or execute strategies and activities that are in alliance with their religious principles. This could prevent religious groups from providing necessary services while upholding their religious beliefs. For example, this could prevent a Jewish organization from barring pro-Hamas individuals from employment, or solely distributing kosher food in a food assistance program.

For these reasons, we ask that the proposed resolution be rejected, due to the unnecessary constraints it places on religious organizations. Instead of improving the foreign aid that the United States sends, it will prevent religious groups from taking part in assistance programs, depriving people from the aid on which they rely.

Your Sincerely,

A handwritten signature in black ink that reads "Yaakov Menken". The signature is written in a cursive style with a large initial "Y" and a distinct "M".

Rabbi Yaakov Menken
Managing Director