

## Marriage Equality 1

Delivered on October 13, 2012 by Rabbi Aaron Krupnick

Today I want to begin our sermon study series by addressing the issue of Marriage Equality. I will not be speaking about the politics of same sex marriage, either nationally or state-wide, but rather the issue as it pertains to our congregation in particular. And I will say in advance that due to the constraints of time, I will only be scratching the surface of what is a very complex issue. But it is my hope that even by painting in broad strokes you will begin to get the picture. This week I'll talk briefly about some of the halachic issues related to this topic and how they are addressed by some of our Conservative Rabbinic leaders. Next week we will look at some of the practical implications of their insight. Much of what I shall share has been culled from the writings of the Movement's Committee on Jewish Law and Standards which does not make policy so much as share legal opinions; it is up to individual Rabbis to choose what legal opinions are best for that Rabbi's congregation. The material I shall share is from the opinions that make the most sense to me and therefore help to shape my thoughts on this topic.

Very few subjects elicit as much heated controversy in contemporary religious discourse as the status of gay and lesbian people in the Jewish community. It is no coincidence that the rise in religious discussion is paralleled by similar discussions in the secular world. The discussions and reinterpretations of Jewish law that allowed women full participation in Jewish ritual life were paralleled by the move to afford women equal rights in American law. To put it simply: If there wasn't a Susan B. Anthony, there wouldn't be a Hazzan Alisa Pomerantz-Boro.

And so, today, the issues surrounding those who want civil marriage equality in the United States are many of the same issues that are confronting observant Jews who want full acceptance in the Jewish community. (And I say "observant Jews" because we realize that non-observant Jews have no particular need for traditional halachic opinion.) But, unlike the debate in civil law, where gay Americans just want to be left alone to live their lives in peace with equal protection under the law, observant Jews who are gay or lesbian are stuck with a more difficult dilemma. They want more: namely the integration of their Jewish identity and their sexual orientation. They want to be part of a larger whole – our synagogue community, not simply to be left alone. The Jewish approach is different. American law is, by definition, designed to protect the rights of individual liberty. Civil law protects us from one another. But Jewish law knows no such boundaries. There is no aspect of life that should not be imbued with kiddusha, with holiness. And it is that shared sense of holiness that binds us not simply to Gd but to one another. That shared sense of holiness binds us together as a synagogue community. So the fact that an entire segment of Jewish people, who want to live observant Jewish lives AND have their relationships sanctified by this sense of kiddusha, is being marginalized is cause for great concern. It speaks to who we are as a community and a congregation. We are concerned about the dignity of gay and lesbian Jews not only because we are sympathetic to their dilemma, but because their concerns are our concerns and their challenges are ours as well. We are one.

Conservative Jewry is a halachic movement, bound by Jewish law, but also willing to reinterpret it as times change, provided, in most cases, that rabbinic sources can be found to substantiate the change. You can imagine that once the Torah was read publically, rabbinic interpretation

spanned a broad spectrum. It's not as hard to find rabbinic opinion to justify a new interpretation as you might imagine. But, when the Torah is explicit, that is another matter, a more challenging one indeed.

The Torah explicitly says in Leviticus 18:22 – “You shall not lie with a man as one does with a woman.” And, for most of Jewish history this has been taken as a prohibition against intimate homosexual relations. But as Conservative Jews, with a deep understanding of history and its relevance, we must ask what the motivation for the prohibition was. One could say that it was to outlaw pagan practices, but I think the law's origin is more basic than that. The premise behind the Torah's ban on lying with a woman as one would with a man was predicated on the understanding that such prohibitions would lead those with homosexual inclinations back into heterosexual marriages. The prohibition could keep a person from making a harmful mistake that was well within his or her power to “fix.” Homosexuality was seen as a willful, but deviant choice; a mistake that could and should be corrected. Given what we have learned about sexual orientation in recent decades, that assumption is no longer valid. We need to take the assessment of leading scientific scholars seriously when they say that sexual orientation is set in a person at an early age, long before sexual experimentation takes place; that homosexual orientation is not a form of mental illness or deviance; it is not inherently harmful to individuals or to their children or to their families; and it is not subject to reversal by means of any available therapy. Furthermore, social acceptance of gay relationships will not “convince” children to become homosexual who would otherwise be heterosexual. What social acceptance will do, however, is reduce the amount of discrimination and indignity that has at best marginalized, and at worst victimized, the homosexual community for years.

To uphold the halacha's comprehensive ban is to consign a significant class of Jewish men and women to life long celibacy and or communal condemnation. This result is problematic, not only for affected individuals, but also from the vantage of halacha's own mandate to safeguard human dignity. Observant Jews who are gay or lesbian will find themselves in an impossible dilemma: unable to fulfill the traditional norm of heterosexual marriage, incapable of lifelong celibacy, and yet unwilling to abandon a life of Torah and mitzvot. What was once seen as a willful rejection of the Torah's ideal of heterosexual marriage is now understood to be a profound desire by gay and lesbian Jews to sanctify their lives and to establish faithful families guided by Torah. They want to sanctify their lives through kiddusha, and I, as a Rabbi want to help bring that kiddusha into their lives just as I try to do for everyone who turns to me as their spiritual leader.

Guiding this interpretation of Leviticus is a sense of morality; an understanding that moral sensitivities should inform the interpretation of Jewish law, even when it comes to interpreting the Torah. This idea is not universally accepted. For many, the texts of the received law supersede any moral considerations. But for those whose teachings I prefer to follow, morality is the very heart of the law, its purpose and its function, and so every law – including those in the Torah itself – must be evaluated morally and changed if necessary. Jewish law that proves to be hurtful is, to my mind, immorally cruel and theologically problematic, for Gd has made us all and His love extends to all His creatures.

The balance between unquestioned adherence to Jewish Law and calling to question the morality of the laws as practiced, is as old as Judaism itself. Abraham does both: He offers up his son

without hesitation and yet he defies Gd when he thinks that the decree against Sodom and Gemorrah is immoral. We, too, can live with both. In the end, Jewishly committed, intelligent moral people can disagreed about how to weigh conflicting factors in our tradition and still live within one movement and love and respect each other.