



JEWISH COMMUNITY ACTION

Organizing for justice

Talking Points: A Jewish Response to Minnesota's Proposed Constitutional Amendment Banning Same Sex Marriage

From Genesis 2:18 we learn two things: that God created compassion before fruitfulness, and that God left it to Adam to chose his own companion.

- The first thing in all of creation that God saw that was not good was for man to be alone. God brought all the animals to Adam “to see what he would name them” (2:23), and when none of them were what Adam needed, God gave Adam another person to be his companion. The creation was God’s, but the choice was Adam’s. If Adam was free to choose who he would love, why should later generations of people not be free to chose? And why should people be less compassionate than God when it comes to honoring the choices other people make?
- It was only after the two humans had been brought together that God blessed them with the right to have children. Had God intended human pairings to be primarily procreative in nature, surely this function of their relationship would have been defined before their emotional bond was sealed.

The Torah (Genesis 1:26) teaches us that all human beings are made *b’tselem Elohim*: in the image of God.

- Rashi says that being created in the image of God means that human beings have a degree of discernment and understanding, and Martin Buber says that God exists in the space between human beings. If we hold both of these ideas to be true, then human relationships become microcosms of divine love, testing grounds for furthering our understanding of the innate qualities of love: patience, kindness, respect, and the ability to step outside of one’s own narrow world and see the universe through another set of eyes. Love fosters compassion, and compassion fosters acts of hesed (loving-kindness), which are needed to repair our world.

Because we were strangers in the land of Egypt, Jews know the pain of rejection, and contempt, and the damage done to people who are denied the full measure of the fruits of their labors.

- This is currently what is happening to LGBTQ families in our community: families are being systematically denied the full protection of the law and cannot secure for their members the rights to the property they have earned.

Hillel taught us: that *which is hateful to you, do not do to another person!* (Babylonian Talmud, Shabbat 31a)

- It is unthinkable to any straight couple who wants to marry that there should be any legal impediment to their doing so, as long as both parties are of age. Therefore we cannot allow any law to come between *any* two loving people who want to bind their lives together.

Preparing to Answer Direct Text-Based Questions

But what about Leviticus 18:22 and 20:13? Isn't the Torah very clear that homosexual relationships are forbidden?

- This passage of Leviticus falls in the middle of the holiness code, and details the specific sins of the Canaanite people as well as indicating how the ancient Israelites should live. It has been understood as everything from a prohibition against the cultic fertility rites common to other ancient near eastern religions to a commentary on the nature of the absolute dominance of men over women, in which case "to lie with a man as with a woman" means to sexually abuse a man in order to reduce him to the inferior social status of a woman. This presents us with two immediately evident problems.
- First, consensual sexual relationships between loving and committed adults can hardly be compared to idolatry. These verses of Leviticus forbid a single sexual act, not homosexual relationships in their entirety. The ancient Israelites had no framework for understanding anything other than heterosexual marriages.
- Second, prohibiting homosexual sex on the grounds that it makes men "like women" reinforces a sexual dynamic of oppression and inferiority that is repugnant to modern sensibilities. It fails to consider the sexual agency of both partners in a loving and mutually committed relationship.

What about Sodom and Gomorrah? Weren't they destroyed because of the sin of sodomy?

- One has only to read Ezekiel 16:49-50 to learn that the sin of Sodom and Gomorrah was not homosexuality, but "arrogance! She and her daughters...did not support the poor and the needy" (trans. *Jewish Study Bible*, Oxford University Press, 2004). The residents of Sodom and Gomorrah have been understood since Biblical times to have offended God by their greed, arrogance, and violence against the weak and needy and the strangers in their midst. The Rabbis upheld this judgment (BT Sanhedrin 109a, Tosefta Sotah 3:11-12). The story of Sodom and Gomorrah is a lesson on the respect that is owed to the dignity every person.

Aren't you just cherry-picking verses and ideas to support your cause? The Law is the Law. It doesn't change.

- Every generation of Jews since Sinai has considered their actions in the light of the Torah, but we have also interpreted Torah anew for every generation. The oral law and the Midrash are a Jewish acknowledgment that, while the Torah unites us as a people, its laws and insights are not clear enough to guide every generation through its changing world. We produce in every generation of our scholars a Hillel and a Shammai, and prove anew that opposing viewpoints can both be right: that "both these and those are the words of the living God." (BT Eruvin 13b).

If you are interested in learning more about this subject, the Jeff Herman Resource Center of Hebrew Union College's Institute for Judaism and Sexual Orientation is a wonderful resource. (<http://huc.edu/ijs/jhvrc/jhvrc.php>).

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