

## Emerging Torah of Same-Sex Marriage

By Rabbi Arthur Waskow

The Supreme Courts of the United States and Massachusetts have drawn on secular concepts of liberty, privacy, and human rights to strike down law against same-sex sexual relationships and marriages.

How do we examine these questions from the standpoint of Torah?

Some have argued that Torah prohibits male homosexuality for sure, and perhaps lesbian sexuality as well. The Rabbis suggested that it also call for privacy: that what Balaam found “Mah tovu,” “So good!” in the tents of the House of Jacob was precisely that they were pitched at angles to each other so that each household preserved its privacy – probably especially its sexual privacy.

Others have argued that “You shall not lie with a man as with a woman” is ambiguous, leaving open to question what the text really means. (Is this physically possible? Was it only about casual or ritual homosexuality, not committed relationships?) But I think we need to go beyond these historical or midrashic quibbles, to look more deeply into Torah.

Does Torah look forward to its own transformation? If so, under what circumstances?

There is wise and powerful teaching in the passage of Talmud that cautions against raising goats and sheep in the Land of Israel. Since our forebears Abraham and Sarah, Isaac and Rivkah, did precisely that, how could the Talmud have the chutzpah to oppose it?

The Rabbis know the world had changed. They knew that the numbers of goats and sheep, and of the human population, would denude and ruin the Land if these animals were bred there.

The world had changed, and so did Jewish holy practice.

Biblical Judaism, out of which sprang the Leviticus prohibition on homosexuality, professed three basic rules for proper sexual ethics:

1. Have as many children as possible. Gen. 1: 28: “Be fruitful, multiply, fill up the earth, and subdue it.”



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2. Men were to be in charge. Genesis 3: 16, where God says to Eve, “Your desire shall be for your husband, and he shall rule over you.”

3. Sex was delightful and sacred. (Song of Songs, throughout.) Celibacy was almost unheard of, and almost always strongly discouraged.

How did these affect attitudes toward homosexuality?

“Be fruitful and multiply, fill up the earth and subdue it” worked against homosexuality, since having children was presumably impossible. But what shall we do today, in a generation when the injunction has been accomplished? Having put on t’fillin in the morning, must we do so in the afternoon?

Today the sheer number of humans is putting impossible burdens on our global ecosystem and plunging into extinction thousands of the species that God commands in the story of the Flood we must not allow to die.

Today we need to encourage, not forbid, forms of sexuality that avoid biological multiplication. We might now read the command as teaching us to be fruitful and expansive emotionally, intellectually, and spiritually rather than biologically.

What were the effects of “He shall rule over you”? If a man had to be in charge in a sexual relationship, there was no way to deal with a relationship of two men. Neither one could be subordinated — “as with a woman.” Such a relationship would blow out all the circuits. Conversely, a relationship between two “subordinate” women would not even turn the power on — and so it was ignored in biblical tradition.

Is this statement in Eden intended by Torah to persist forever? No more than the twin statement (Gen. 3: 17-19) that human beings (or at least men) shall “toil in the sweat of their brow,” wringing a livelihood from a hostile earth. Do we think Torah commands us to eschew the machines that make our labor easier?

Like this statement about toil, and like “Be fruitful and multiply,” the overlordship of men applied to a history that should be transcended. It was not an edict to be obeyed.

Modernity has transformed the world we live in. The Modernity that eases our work and makes women and men equal and brings the human race to fill up and subdue the earth may even be what God intended.



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So then we must ask ourselves, as the Rabbis of the Talmud understood that in their new world they must oppose raising sheep and goats as their forebears did, what must we change in our new world?

In a world filled and subdued by the human race, multiplying our numbers may actually contravene God's intention. In a world where men are not required to be dominant nor women to be subordinate, a relationship of two men or two women need not be either destructive or irrelevant.

So we are evolving past these two rules that underlay the opposition to gay and lesbian relationships and marriages.

The third basic rule – that sex is delightful and sacred – still stands. The biblical Song of Songs embodies it, and the Song – far from being outdated – may point beyond the Eden of the past, of a childish human race, past our history of toil and hierarchy, toward an Eden of the Future. “Eden for grown-ups,” for a grown-up human race and for newly mature individual human beings.

In the Song, bodies are no longer shameful as they were after the mistake of Eden; the earth is playful, not our enemy; and women and men are equal in desire and in power. And God is never named — no longer Papa/Mama as in Eden, giving orders, but inherent in the very process of life.

Though the drama of the Song is on its face heterosexual, it describes the kind of sensual pleasure beyond the rules that has characterized some aspects of gay and lesbian desire, especially since marriage was forbidden.

So we now have the opportunity to open heterosexual relationships and marriages to the kind of joy the Song embodies, while opening gay and lesbian life to the more playful structure that marriage makes possible.

Love and marriage are present in the Song, suffused with joy and pleasure rather than with rigidity and rules. For millennia, Jews have prided ourselves on the worth of marriage as a carrier of holiness and community. Now we can expand the circles in which marriage – a new kind of marriage – is possible.

From a spiritual as well as a legal standpoint, the Supreme Courts of the United States and Massachusetts have opened the way to enhancing, not destroying, marriage. They have opened the gates; but only spiritual communities can enter. Let the tents of Jacob and the shrines of Israel rejoice, “Mah tovu! How wonderful!”



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