

Orthodox Response to Same-Sex Marriage

By Rabbi Tzvi Hersh Weinreb

This statement by Rabbi Tzvi Hersh Weinreb, Executive Vice President of the Orthodox Union, presents his opinion on homosexuality and same-sex marriage. He states, "Homosexual behavior between males or between females is absolutely forbidden by Jewish law, beginning with the biblical imperative, alluded to numerous times in the Talmud and codified in the Shulchan Aruch." He argues that traditional Jewish law recognizes marriage between a man and a woman only. He argues that a family structure with one male parents and one female parent is the only acceptable form of Jewish family structure. Additionally, he states, "Observant Jews must have an attitude of empathy and understanding for individuals who say, 'I have these urges, I can't help them.' But we cannot accept those who would say, 'I have these urges, they are God-given and therefore it is a mitzvah to follow them.'" To view Rabbi Weinreb's statement in full, please visit: www.ou.org/public_affairs/article/ou_resp_same_sex_marriage/

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Rabbi Tzvi Hersh Weinreb

Executive Vice President of the Orthodox Union

It is high time for a statement asserting and explaining the traditional Jewish position on homosexuality. Various Jewish groups have left the impression with the public at large that Judaism is supportive of homosexual behavior to the extent of endorsing same sex marriage. Thus it is imperative for the Orthodox world to make our position clear once more.

The position of traditional Judaism on homosexual behavior is clear and unambiguous, terse and absolute. Homosexual behavior between males or between females is absolutely forbidden by Jewish law, beginning with the biblical imperative, alluded to numerous times in the Talmud and codified in the Shulchan Aruch.

The position of Judaism on marriage is equally clear. Judaism recognizes marriage as a fundamental human institution, and affirms marriage only between a man and woman.



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Judaism recognizes the central role of the two-parent, mother-father led family as the vital institution in shaping the entire human race. Within the Jewish people, the two-parent marriage is a model not only for human relations but for relations with the Divine. The Almighty Himself is seen as being a third partner to the father-mother configuration, and the central role of the family, unless circumstances make it impossible, is to conceive and raise children, thereby perpetuating the human race and for Jews, ensuring the continuity of the Jewish people. I contest the description of Jewish values that has been foisted upon the public by numerous spokesmen of various factions of Judaism, most recently, and extremely, in the David Ellenson essay on these pages (“Same Sex Marriage, In The Jewish Tradition,” March 12). To argue that same-sex marriage is consistent with the traditions of Judaism is intellectually dishonest at best and blasphemous at worst.

Nevertheless, while the sources irrevocably forbid homosexual relationships and overt homosexual behavior, there are other issues that are more nuanced and must be clarified. One has to do with the attitude toward homosexual individuals prescribed by Jewish tradition. Here it is critical to adopt the distinction, already implicit in numerous rabbinical texts, between the sin and the sinner; that is, between the person and his or her behavior. Given the nature of our times, it is impossible to formally condemn people who violate Jewish norms. Orthodox Jews and Orthodox synagogues display various degrees of tolerance and acceptance to individuals who are violators of the halachic aspects of the Sabbath, or individuals who flagrantly violate the kashrut laws. The tolerance rightly shown to these individuals by no means condones their behavior, but accepts them as people who may be misled or uninformed. While tolerance for individuals who manifest homosexual tendencies is certainly a Jewish value, and consistent with some of the core values to which Rabbi Ellenson refers, there is a great difference between tolerance for an individual and recognition of a movement which wishes to turn something clearly wrong by Jewish standards into something not only tolerated but normative. Observant Jews must have an attitude of empathy and understanding for individuals who say, “I have these urges, I can’t help them.” But we cannot accept those who would say, “I have these urges, they are God-given and therefore it is a mitzvah to follow them.” Another complex issue that needs to be addressed is the degree to which this clear Jewish position should be translated into public policy in a pluralistic democratic society. Here, people of good will can debate the merits of whether any religion can urge its values upon the greater society. Here we can disagree, although I personally believe that all religions have the responsibility of educating the public to core values that we believe have universal, as well as particular, religious import. In this connection we ought to consider a Talmudic passage (Chullin 92a) that says that the nations of the world, however sinful, corrupt or perverse, still have the merit of at least three behaviors, one of which is “they do not write a ketubah for males.” We can also debate the wisdom of a constitutional amendment defining marriage. It can be argued that any tampering with the U.S. Constitution, a document that arguably has done more for the Jewish people than any other secular document in historical memory, is a risky



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proposition. However, whatever your position on the constitutional amendment, the inclusion of same-sex relationships in the definition of marriage is something that any Jew of conscience should oppose.

I, and other Orthodox leaders did not foster this debate; it has been brought upon us. We are taught that certain aspects of human behavior, even very normal and natural functions, are best treated with modesty and privacy. However, the extreme statements and declarations that have been made, and lately in the very name of Judaism, simply cannot be allowed to pass without protest. We cannot be silent upon occasions where Judaism is fraudulently depicted as condoning something that its Torah clearly and irreversibly condemns.



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