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SAUPJ says “yes” to same-sex marriages

At the end of May, the SAUPJ released a statement to the media about its decision to allow marriages between same-sex couples. The statement is reflected below.

In a landmark decision, the South African Union for Progressive Judaism (SAUPJ) has decided to allow marriages between Jewish couples of the same gender.

"This decision was arrived at after long and thoughtful deliberation, and in the spirit of what Progressive Judaism is about - inclusion of all Jews regardless of gender, sexual orientation, race or ethnicity," said Steve Lurie, chairperson of the SAUPJ.

At the National Assembly of the SAUPJ held in Durban on 6 May, it was agreed that there should be no distinction in the status of religious marriages of same-sex partners and heterosexual couples.

"This is a matter of justice and principle and we believe it is what Judaism requires of us in this day and age," said Lurie. "As an inclusive movement, and one with a strong commitment to ensure that injustice is not done in our communities, we believe that this move goes a long way to repudiate prejudice."

In December 2006, South Africa became the fifth country in the world to grant same-sex couples the same status and rights as heterosexual marriage partners.

"The SAUPJ honours the divine within all human beings, and their right to live with dignity," said Lurie.

Your questions answered

Rabbi Greg Alexander, rabbi of Temple Israel Cape Town, answers questions about the SAUPJ decision to allow same-sex marriages in Progressive synagogues

Why are we taking this decision now?

In December 2006, South Africa became the fifth country in the world to grant same-sex couples the same status and rights as heterosexual marriage partners. Our rabbis and lay leaders have, after long and thoughtful deliberation, and in the spirit of what Progressive Judaism is about - inclusion of all Jews regardless of gender, sexual orientation, race or ethnicity - decided that the time is right to give full recognition to same-sex couples who commit themselves to each other in a Jewish marriage.

Are we the first movement to do this?

The Progressive movement has come a long way on this question.

Our fellow movements across the world have over the past 15 years made clear statements of where they stand. The Reform movement in America recognises the right of its rabbis to officiate at same-sex *chuppahs*, while the British Liberal Movement performs blessings over same sex unions.

The American Conservative movement recently allowed gay and lesbian rabbis to be ordained by its seminaries, at last bringing them in line with all other non-Orthodox seminaries in that country. However, due to civil legislation, none of these movements has been in a position to consecrate same-sex marriages both religiously and civilly.

Due to South Africa's legislation, we are able to do that. In November 2006, Israel's highest court ruled that same-sex marriages

that were legally performed in other countries will now be granted legal recognition in Israel.

What is the Orthodox position on this?

Orthodoxy has also moved a long way on this question. Where in the past there was blanket condemnation of homosexuality, over the past 30 years several recognised Orthodox rabbinic authorities have accepted that homosexuals do not have a "choice" over their orientation and that, while any homosexual act would be condemned as a *"ma'aseh aveirah"* (a sinful act), an outwardly gay man or woman can be a fully functioning member of an Orthodox community so long as they remain celibate.

This has not been seen as going far enough by a great number of Orthodox members as can be witnessed by the screening here of *"Trembling Before God"* and the visit of the Orthodox homosexual rabbi, Steve Greenberg.

Why are we calling them "marriages" and not something else?

To call a Jewish ceremony recognising the lifelong commitment of a same sex couple to each other anything other than a marriage would imply that we see them as different from a heterosexual couple. This would defeat the purpose of our decision which is to grant equal recognition to all Jewish couples.

But this is against God's law!

While this may be against Orthodox *halachah* as it stands today, there is no way of knowing what God feels on this subject. Judaism has always been concerned with trying to understand God's intentions through study of *Torah*, and that is exactly what we have done in this case.

The overwhelming principle that we have followed is that we are all made *b'tzelem Elohim*, in the image of God, and that requires that we do not in any way diminish or separate out the loving commitment of two Jews to each other, whether they be of the same or different sex.

Halachic sources over the past 2000 years do not deal with the possibility of a lifelong monogamous loving relationship, since they were written in societies that did not permit such things to take place. We can understand the existing laws as protecting men and women from abusive sexual relationships, which we fully support.

We are all made b'tzelem Elohim, in the image of God, and that requires that we do not in any way diminish or separate out the loving commitment of two Jews to each other, whether they be of the same or different sex.

OK, but doesn't the Torah clearly condemn same sex relationships?

The *Torah* condemns many things which rabbis, over thousands of years, uncomfortable with the ethical implications, have sought to redress.

Early examples are the stoning of a rebellious son (*ben sorer u-moreh* Dt. 21:18) which the *Mishnah* uses legal arguments to restrict to the point of practically impossible; the requirement of two witnesses in a legal case (*al pi shei eidim* Dt. 19:15) which the *Talmud* reduced to one in the case of confirming the death of a husband in order to allow his wife (the *agunah*) to remarry; and Hillel's *prozbul*, which allowed Jewish businesses to bypass the forgiving of debts once every seven years (Dt.15:1-2).

In the last case, the *Mishnah* (*Gittin* 4.3), simply states: "Hillel established the *prozbul* in order to repair the world."

That was then. What about more modern examples?

A much more modern Orthodox example is the case of a deaf person. According to the *Talmud*, a deaf person was considered to be retarded, mentally incompetent, an imbecile not able to serve as a witness or to be counted in a *minyan*, or to effect marriage or divorce.

After visiting the Vienna Institute for the Deaf, Orthodox Rabbi Simcha Sofer (late 19th Century) saw that their impaired speech and hearing had nothing to do with their intelligence and accountability, and urged altering the older Rabbinic judgement. New information must lead *halachah* to respond anew.

Homosexuality and lesbianism are not fads. They have existed as long as human beings have and psychology and now legislation are recognising that fact.

In the Progressive movement, we now take for granted the equal involvement of women as rabbis and cantors, being counted in a *minyan*, called up to the *Torah* and leading services in our synagogues. Our movement does not recognise the demeaning labels of *mamzerim* (bastards) and *agunot* (women unable to remarry). In all these cases, Progressive Judaism has taken its stance despite the *Torah's* apparent stance.

Jewish law can't just change to suit new fashions

That is true - but homosexuality and lesbianism are not fads. They have existed as long as human beings have and psychology and now legislation are recognising that fact. In the past, *halachah* has tried to respond to new information and social realities, and it needs to do so now too.

Are we not separating ourselves from the Jewish community?

Judaism is a wide umbrella that covers a full spectrum of observance and belief. While we don't expect everyone to agree with our position, there are a great number of Jews who do, and those who don't we ask, as we do in all matters, to respect it.

We believe that Judaism needs to speak to the issues of the time, and in that respect, not taking a positive position on this issue would be avoiding a major source of pain and prejudice in the Jewish community today.

Across the world, the entire Jewish community is currently debating and reviewing its position on the issue, and who knows where the other movements will be in 25 years time. We, the Progressive Movement, are not prepared to wait for them to catch up. We will take the lead, and others can decide whether or not to follow.

Can't we just keep this all quiet - what someone does in their own home is entirely up to them?

Once again, the reason that the SAUPJ has made this declaration public is because we believe that a loving, monogamous relationship, irrespective of the gender of the couple, deserves to be sanctified in front of one's family and community. Keeping this private would not achieve the egalitarian aim of this decision.

Please call Rabbi Greg Alexander on 021 552 2484 or email him at ravgreg@templeisrael.co.za for more information.