

*Nitzotzot Min HaNer*

# Homosexuality - Part 2

*Volume #14, September – October 2003*

*A few weeks ago we produced a Nitzotzot Min HaNer issue on homosexuality. As an appendix to that edition we are providing you with the attitudes and developments in various sectors of American and World society beyond the Orthodox population. In addition we are providing a bibliography on which the last edition was based.*

## Appendix: Attitudes and Responses to Homosexuality in the Broader Society

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Article Summary 2

---

The Context of Homosexuality 2

---

Non-Orthodox Jewish Responses 11

---

The Mental Health Profession 15

---

Public & Political Opinion 17

---

The Media 20

---

The Church 21

---

A Brief Legal History 25

---

Bibliography 27

---



## ARTICLE SUMMARY

In this article we show firstly how gay rights are flourishing in America because they are supported by the broader social context. The American values of tolerance equality and respect, the right of consenting adults to do their own thing, and the notions of personal economy, all encourage acceptance of homosexuals and their agendas. American society is rights orientated and often encourages subcultures to develop attitudes of grievance and entitlement. Secondly, weakening commitment to the institution of marriage plus a decline in the desire to have children further have led to a legitimization of alternative lifestyles. It has become politically acceptable to support gays with tax dollars and to show positive images of gays on TV. Same-sex marriage remains the last barrier which gay rights advocates feel they have to and will cross.

Homosexuality was long ago removed by the American Psychiatric Association from its list of mental disorders. More disturbing, most students of psychology and psychiatry are no longer even taught approaches to helping gays change their sexual orientation.

The Conservative and especially Reform movements have come out solidly on the liberal side of the gay rights issue. The Reform movement has become an active advocate of gay rights in political and other circles, and now has a guide in the making to same-sex wedding ceremonies.

In August of this year the Episcopal Church elected a gay bishop to the Diocese of New Hampshire and received support from many liberal leading bishops and archbishops in the USA, Canada, and Australia. While the Vatican remains solidly opposed to gay clergy or any gay behavior, many of its American constituents are not so sure of the issue.

## THE CONTEXT OF HOMOSEXUALITY

Gay rights are flourishing in America because the broader social context lends itself to this. American values, such as tolerance, and personal autonomy, support such a move, and the breakdown of family (including the move away from having children) should have been an early warning signal that sooner or later we would reach the point of widespread acceptance of homosexuality. The lesson is that fighting the gay-agenda as an isolated issue, without addressing the values and issues supporting it, is symptomatic rather than cure-orientated treatment.

### *American Values*

Many of the deep rooted values of American society kick in on the side of increasing acceptance of homosexuals and their agendas: the ideas of *equality*, *tolerance* and *respect*; the right of *consenting adults* to do their own thing provided



they are not physically harming anyone else; the notions of *pluralism* and *personal autonomy*. Noted Conservative commentator, George F Will<sup>1</sup>, places the American commercial culture on this list: “Surely there is a connection between America’s commercial culture and today’s “moral minimalism.” Hall and Lindholm say the “one of Americans’ strongest moral values is a reluctance to impose moral values.” There are many kinds of life-styles in which humans can thrive, the theory goes, and each is free to choose his own life-style. Today, says Alan Wolfe of Boston University (in his 1998 book "One Nation After All"), the Eleventh Commandment is "Thou shalt not judge."<sup>2</sup>

The American headspace is to think what he has a right to; and therefore what others owe him. Judaism, by contrast, begins with duties, and regards it as a privilege to be more rather than less commanded. Thus we wish a person תזכה למצוות, may he merit to fulfilling more of that which he is commanded. Beginning with rights quickly leads to an attitude of entitlement, which is nurtured by the grievances of subcultures, homosexuals amongst them, that feel discriminated against.

The broader society, whose instincts may have been that homosexuality is very wrong, are constrained from expressing this by messages of being non-judgmental. As Alan Wolfe of Boston University (in his 1998 book “One Nation After All”) says, the Eleventh Commandment is “Thou shalt not judge.” Rabbi Berel Wein points out that these values lead to commitment-avoidance, and the greatest victim of this lack is the nuclear family<sup>3</sup>.

Rabbi Shalom Kamenetsky stresses that it is the surrounding hedonistic society’s messages that we should be giving in to our desires that makes it much harder to deal with the problem. Our society has reached the point of freedom from choice. We don't want exclude anything from our lists of enjoyments and opportunities.

But life is all about making choices. They can be excruciating and extremely difficult and may include the suppression of urges that at times feel like they are totally out of control. The messages of this broader society make the very act of choosing very difficult. Our defenses and sensitivities are thereby constantly undermined until we are no longer faced with the clear message that homosexuality is prohibited by the Torah and something we therefore have to struggle against. This leads to a person thinking in terms of "being closeted". In times gone by, if there were individuals that suffered from homosexuality, they may have been long in suffering. Yet, because no one told them it is fine and "kosher", they grappled with their challenges, which they may or may not have overcome. Today, a person has to struggle with the idea that maybe he should be accepting who he is and live accordingly. (None of this is meant to imply that we should not relate to the homosexual with the utmost sensitivity. We have related to this point elsewhere. We have also related elsewhere to how the homosexual should relate to his own illness.)

Judaism does not prohibit homosexuality because it was unusual at the time the Torah was given. On the contrary, all indications are that, throughout a great deal of

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<sup>1</sup> *Newsweek*, August 30, 1999

<sup>2</sup> The above quotes were quoted by Will in a *Newsweek* article August 30, 1999

<sup>3</sup> *Jerusalem Post*, Aug. 21, 2003, “Commitment? It's out of date”



Biblical times and all the way through to the Roman era, homosexuality was rampant<sup>1</sup>. Chazal tell us that Sodom had marriage contracts for homosexuals<sup>2</sup> (from which the word Sodomy comes<sup>3</sup>), that Cham had committed this act on his father Noach<sup>4</sup>, and that Potifar had acquired Yosef in order to commit such acts with him<sup>5</sup>. In certain parts of the world, Jews needed to increase their guard against falling to the temptation to commit such acts<sup>6</sup>.

## Marriage

Homosexuality has flourished in a context, and that context has become so seriously depleted of normative models of couples with children that the demographic implications for the Jewish people are as great as the problem of intermarriage.

The progress of gay rights in their steady march to gay marriage has to be seen in the context of a weakening commitment to the institution of marriage. As Maggie Gallagher states:

*Gay marriage ... is the marriage debate. Losing it ... means losing marriage as a social institution, a shared public norm. Marriage will become (as it is in Sweden) a religious rite, with little public or social significance. ... The public purposes of marriage no longer include anything to do with making babies, or giving children mothers and fathers. .... As Evan Wolfson<sup>7</sup> put it "What counts is not family structure, but the quality of dedication, commitment, self-sacrifice, and love in the household."*

*.... When men and women fail to form stable marriages, the first result is a vast expansion of government attempts to cope with the terrible social needs that result. There is scarcely a dollar that state and federal government spends on social programs that is not driven in large part by family fragmentation: crime, poverty, drug abuse, teen pregnancy, school failure, mental and physical health problems. ...*

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<sup>1</sup> See for example the Dennis Prager article quoted in the Bibliography at the end of this article.

<sup>2</sup> בראשית רבה (כו' ה') רב הונא בשם רבי אמר דור המבול לא נימוחו מן העולם עד שכתבו גמומסיות (שטר כתובה ונישואין, ערוך) לזכר ולבהמה

<sup>3</sup> עובדת רשע של סדום (בראשית יט' ה') ה' במשכ"ז ומשם הגדרת מלת מעשה-סדום גם בשפה אנגלית (*sodomy*) והגדרה זו טבעית ברשתות. גם פילגש בגבעה (שופטים יט') ה' עובדא של מעשה תועבה זאת, וכמעט נהרס שבט אחד שלם עקב עבירה זו. (Rabbi Shalom Kaminetzky)

<sup>4</sup> רש"י בראשית ט' כב בשם חז"ל

<sup>5</sup> (סוטה יג' ב') עה"כ בראשית (לט' א') שנענש פוטיפר בסירוס משום שקנה את יוסף למטרת משכ"ז.

<sup>6</sup> בקידושין (פב.) רבנן לא אסרו שינת שני רווקין בטלית אחד משום שלא נחשדו ישראל על משכב זכר. אבל השו"ע, אבן העזר סי' כד' כתב שהגם שלא נחשדו ישראל, בדורות הללו שרבו הפריצים יש להתרחק מלהתייחד עם הזכר. וע"ש בח"מ ובב"ש בשם הב"ח, שתלוי בהמדינה, ועכ"ז, דווקא יחוד וכו', עיי"ש.

<sup>7</sup> Editor of MarriageDebate.com



*The good news is that a marriage recovery appears to be on its way: Rates of divorce have dropped, illegitimacy is leveling off, marital fertility is on the rise, adult commitment to marital permanence is increasing, and the next generation's dislike of divorce is rising; the consensus that children do better when parents get and stay married is now broad, if shallow.*

*The bad news is that gay marriage will gut this marriage movement, and reverse these gains. Marriage will no longer be a carrier of the message that children need mothers and fathers. Instead the law will legitimate the principle of family diversity: that adults get to form the families they choose and children will resiliently adjust. Or not, but who cares? If the law embraces this message, government will become its carrier and promoter. School textbooks, teen-pregnancy programs, and abstinence education (to mention just a few venues) will all be forced to carry this new unisex marriage vision<sup>1</sup>. ...*

In fact, this assault on marriage has already begun. Recently, the American Law Institute, a group of prominent judges and lawyers, set out a 1200 page proposal, "Principles of the Law of Family Dissolution," which amount to a devastating legal assault of marriage.

Domestic partnerships, the document states, should be legally treated like marriage. When breaking up, cohabitants are entitled to a division of property and alimony-like payments, just like married people who divorce. And after a relationship ends, the cohabiting partner of a legal parent may share custody and decision-making responsibility for the legal parent's child. The report validates homosexual relationships and gives them a status comparable to that of marriage. The notion is that marriage is just one arrangement among many<sup>2</sup>.

John Leo points out that "One of the problems in trying to shore up the institution of marriage is that so many of the professionals who teach and write about it—counselors, therapists, academics, and popular authors—really don't support marriage at all<sup>3</sup>."

The Law Commission of Canada<sup>4</sup> has stated flatly that the state must remain neutral in relationships—not promoting marriage or giving it any edge. "Religious marriage ceremonies would continue to exist, but they would no longer have legal consequences."

Marriage is in definite serious decline in American society. Only 67 percent of American women aged 35 to 44 were legally married as of 1998. This contrasts with

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<sup>1</sup> In *The Forward*, July 14, 2003

<sup>2</sup> John Leo, *U.S. News & World Report*, December 16, 2002

<sup>3</sup> *Ibid.*

<sup>4</sup> "Beyond Conjugal: Recognizing and Supporting Close Personal Adult Relationships." , 2002



81 percent in the period 1890-1940<sup>1</sup>. This trend, more or less paralleled by other countries on the map<sup>2</sup>, reflects several developments, including rising age of marriage, increasing popularity and loss of stigma of cohabitation, high divorce rates and growth in the number of children born out-of-wedlock. The erosion of commitment to marriage and therefore the legitimization of alternative lifestyles, is ironically linked to better education (and therefore better financial prospects) but also to an increase in the belief by people that marriage is not such a great thing after all<sup>3</sup>.

People are getting married older and older<sup>4</sup>, less and less are describing their marriages as “very happy”<sup>5</sup> and more and more people are living together without getting married.<sup>6</sup> While people who describe themselves as Catholic or Protestant, have a much lower divorce rate than the average, people who define themselves as Jewish do only slightly better than the national average.<sup>7</sup>

The decline of marriage and the family has now been going on for half a century. By 2001, less than a quarter of the households in the United States were made up of married couples with their children. That results from a number of factors, like many men and women delaying both marriage and having children, more couples living longer after their adult children leave home and the number of single-parent families growing much faster than the number of married couples.

Indeed, the number of families headed by women who have children grew nearly five times faster in the 1990's than the number of married couples with children<sup>8</sup>.

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<sup>1</sup>Between '70-'87, number of unmarried women between 25 - 34 more than doubled. 41% of unattached women said they were not looking for a relationship. (Hite) Only 50% said marriage was very important to them. (Glamour magazine poll, 1987)

<sup>2</sup>The exceptions to this are Poland and Romania.

<sup>3</sup>That people are staying single longer may stem in part from the option of living together without marrying, which has lost much of its stigma in recent years. But perhaps a more basic motivation is widespread pessimism about marriage, particularly among women, as noted by David Popenoe and Barbara Dafoe Whitehead of the National Marriage Project of Rutgers University. They suggest that this attitude may reflect certain expectations of emotional intimacy in marriage and of men's participation in child-rearing and household work. (Their observations are based on U.S. data and so may not apply to other countries.)

<sup>4</sup> Median ages of first marriage for men and women in 1960—23,21  
Median ages of first marriage for men and women in 1999—27,25

<sup>5</sup> Percentage of first marriages described as “very happy” in 1976—54  
Percentage in 1996—38

<sup>6</sup> Number of cohabiting, unmarried couples in 1960: 439,000  
Number in 1998: 4.2 million

<sup>7</sup> Percentage of Catholic and Protestant marriages that end in divorce after five years:20;  
Percentage of Jewish marriages that do: 40  
(Psychology Today, January/February 2000, The States of Our Unions)

<sup>8</sup> The number of married-couple families with children grew by just under 6 percent in the 1990's. In contrast, households with children headed by single mothers, which account for nearly 7 percent of all households, increased by 25 percent in the 1990's.



Some of these women had children while still married. However, there are a huge number who had children out of wedlock<sup>1</sup>. (This, despite the huge number of abortions<sup>2</sup>.) Less than half of all American children will live continuously with an intact family. Most will spend several years with a single-mother family<sup>3</sup>.

The implication of this are vast and widespread. They effect the emotional health of the nation, education, and many other areas<sup>4</sup>.

The number of unmarried couples in the United States nearly doubled in the 1990's, to 5.5 million couples from 3.2 million in 1990. Some of those couples have children. The percentage of married-couple households with children under 18 has

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<sup>1</sup> The result was an increase in the proportion of births by unmarried white women from 5 percent in 1964-1969 to 26 percent in 1998, and among black women, the proportion rose from 35 to 69 percent.

Charles Murray wrote the following article in The Wall Street Journal, condensed in the Reader's Digest (March 1994), Tomorrow's Underclass.

Nearly 30 percent of all live births are of children born to unmarried mothers-about four percentage points higher than the black illegitimacy rate in the 1960s.

In 1970, 6% of white births were illegitimate. By mid 90's one out of 3 white children were born to an unwed mother. 2/3s of black children born to unwed mothers. (Michael Kaufman-above quotation). 3/4 of Americans say that it is not morally wrong to have a child outside of marriage. (Michael Kaufman, quoting the Atlantic) Meanwhile, illegitimacy has now reached 68 percent of all black births and often some 80 percent in inner cities.

White illegitimacy...22 percent...White illegitimacy is overwhelmingly a lower-income phenomenon.

Black crime and dropouts from the labor force rose sharply as the overall black illegitimacy rate passed 25 percent.

As white illegitimacy reaches critical mass, we should expect the deterioration to be as fast among low-income whites in the 1990s as it was among low-income blacks in the 1960s.

Illegitimacy is the single most important social problem of our time-more important than crime, drugs, poverty, illiteracy, welfare or homelessness.

Through thick walls of rewards and penalties, societies have historically constrained the overwhelming majority of births so they take place within marriage. In the past 30 years those walls have caved in. It is time to rebuild them.

<sup>2</sup> According to a novel theory advanced by economists George A. Akerlof, Janet L. Yellen and Michael L. Katz of the University of California at Berkeley, wider availability of the birth-control pill and legal abortion led to dramatic changes in American attitudes toward marriage. Before the early 1970s, the stigma of unwed motherhood was so great that few unmarried women were willing to have sex unless it was understood that marriage would follow if pregnancy occurred. In those days, if a woman became pregnant, the man felt obliged to marry her. Such "shotgun marriages" became rarer, thanks to abortion and contraception. Because women could, theoretically, choose not to give birth, men began feeling that it was the woman's fault if an unwanted pregnancy was carried to term and therefore felt no responsibility for the child. Increasingly, women no longer believed that they could ask for a promise of marriage in the event of pregnancy.

<sup>3</sup> *Atlantic Monthly*, April '93, quoted in Michael Kaufman, unpublished manuscript on Judaism and Feminism

<sup>4</sup> Michael Kaufman (ibid) refers to many conclusive studies of dramatic increase in suicides, learning problems, drugs, emotional and other problems directly related to all of the above.



declined to 23.5 percent of all households in 2000 from 25.6 percent in 1990, and from 45 percent in 1960. The number of Americans living alone, 26 percent of all households, surpassed, for the first time, the number of married- couple households with children.

Unmarried couples represent 9 percent of all unions, up from 6 percent a decade ago. The number of non-family households, which consist of people living alone or with people who are not related, make up about one-third of all households. They grew at twice the rate of family households in the 1990's.

People are marrying later, if they marry at all. The median age of the first marriage for men has increased to 27 years old from 22 in 1960; for women, it has increased to 25 years old from 20 in 1960. The booming economy has allowed more younger people to leave home and live on their own. Divorce, while leveling off, has left many middle-aged people living alone. Advances in medicine and bulging stock portfolios have permitted many elderly people to live independently longer.

Over fifty percent of American marriages end in divorce<sup>1</sup>. Cohabiting first only makes divorce more likely<sup>2</sup>. Sixty percent of second marriages end in separation or divorce<sup>3</sup>, made much easier by no-fault divorces<sup>4</sup>. The median length of an American marriage in 1988 was seven years, with two out of ten marriages ending before the third anniversary<sup>5</sup>. Children who grow up from these divorced unions suffer their own baggage<sup>6</sup>. Meanwhile, many of the marriages which do last are no tea party either. Over 20 percent of American couples hit, shove, slap, or push each other at least once a year<sup>7</sup>. In a large study, half of all American newlyweds had significant marital

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<sup>1</sup> In 1960, the divorce rate in the USA was only 16.5%. Divorce rates in most Western countries are much higher now than they were before 1970, probably resulting in part from the growing economic independence of women, which makes it easier for wives to walk away from bad marriages. The divorce rate tends to be higher in those countries where women are most apt to work at paid jobs.

<sup>2</sup> One out of three couples who don't cohabit before marriage get divorced, and three out of four couples who do cohabit first get divorced. (McManus, p.23)

<sup>3</sup> Weiner-Davis, p.13

<sup>4</sup> The increase in divorces in America coincided with the implementation in the 1970's of no-fault divorce laws in most states. No fault means that either side can unilaterally get a divorce more or less on the spot without any reason whatsoever. Today, as a result, many States are considering limitations or qualifications to these laws.

<sup>5</sup> McManus, p.105

<sup>6</sup> Children may suffer from the decline in marriage rates. One comprehensive analysis of 92 studies on the effects of divorce concluded that the negative repercussion on minors was weak. Other studies, however, have suggested that the adverse effects are delayed and only become manifest when children are grown. Another consequence of the decline in marriage, suggested by Akerlof, is that men who delay marriage or remain single are less likely to be employed, tend to have lower incomes than married men and are more prone to crime and drug use. -- *Roger Doyle in Scientific American, December 1999.*

<sup>7</sup> Notarius and Markman, p.20



problems due to unexpected changes in their lives and relationships, even though 85 percent of these couples had had premarital sex, and 54 percent had lived together before marriage. They reported a dramatic increase in the number of arguments they had and the tendency to criticize each other after marriage<sup>1</sup>. Forty percent of American children will have divorced parents by the time they are eight years old, and half will see a second pair of parents divorced by the time they leave high school<sup>2</sup>.

Divorce rates are now climbing steeply amongst older people as well<sup>3</sup>. Divorces take place for many reasons<sup>4</sup>. Economic trends make divorce more palatable<sup>5</sup>. Therapists are quicker to counsel divorce<sup>6</sup>, and state laws have made them simple to obtain.

There is a wide gap between what is happening in the world, and what people believe should be happening. Despite a 50% divorce rate, most people expect to remain married for the rest of their lives<sup>7</sup>. Despite the increasing trend away from having children, most people believe that those with children lead richer, happier lives<sup>8</sup>. Despite the perception that faithfulness to one's partner has been eroded and

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<sup>1</sup> McManus, p.146

<sup>2</sup> Notarius and Markman, p.21

<sup>3</sup> The dislocations of retirement shake apart some marriages. Couples who move to another state often leave behind family, friends and the social-support system that got them through difficult times. Retirement also means an end to the activities that give structure to people's lives, and gave husbands and wives an escape from one another.

<sup>4</sup> A 1989 Gallup poll showed that 47 percent of divorces were attributed to "incompatibility"; 16 percent to alcohol or drug abuse; 17 percent to infidelity; 10 percent to arguments over money, family, or children; and 5 percent to physical abuse. (McManus, p.123)

<sup>5</sup> Still 22 percent of divorced female retirees live in poverty, defined as an income below \$7,990 a year for someone 65 or older.

<sup>6</sup> Sometimes the professionals seem eager to denigrate their clients' commitment to marriage. "Women have an incredible amount of hope," says Mary Maracedk, a counselor at the oldest women's shelter in Massachusetts. "We want them to get over the hope that the ideal marriage may still come out of it." Yet a hopeful woman, trying to make a go of a not-so-good marriage, is not always a fool.

<sup>7</sup> NY Times Poll, April 2000

43. If you got married today, would you expect to stay married for the rest of your life, or not?

1. Yes	86%
2. No	11
9. NS/Ref	3

<sup>8</sup> NYT poll, April 2000:

15. Do you agree or disagree with the following statement....Most people who have children lead richer lives than do people without children.

1. Agree	63%
2. Disagree	29
9. NS/Ref	8



the amount of extra-marital affairs has risen<sup>1</sup>, especially after former President Clinton set the example<sup>2</sup>, most believe that this is wrong<sup>3</sup>. Despite the fact that more and more children are born out of wedlock, this is not what the majority believe in. Yet, millions of those same people sat glued to the TV to watch the ultimate trivialization of marriage - total strangers willing to marry each other, on TV, for their money and good looks.<sup>4</sup>

## *Children*

Together with the decline of marriage in the Western World is the decline of the desire to have children. In Sweden, Germany and Greece the total fertility rate is around 1.4 or lower. In Italy it was 1.2; in Spain, Bulgaria, Latvia and the Ukraine 1.1. Many provinces in Italy's wealthy, well-educated north have rates well below that. The rate in the province of Ferrara, which includes the city of Ferrara, has been under 0.9. In not one West European country did the rate reach 2.1, the replacement rate. The United States only reached a 2.0 rate through immigration.

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<sup>1</sup> 70% of women married 5 years or more said having extramarital affairs (only 7% said they were looking for a new spouse); 76% said they do not feel guilty. (Hite report 4500 sample). A Redbook poll reported 26%. In Joyce Maynard's survey 800 out of 900 women were having extramarital affairs. In a Harris poll (3000 people) same year 89% said their relationship with their partner is satisfying. '95 poll in Italy-66% of married men unfaithful (To which Italian politician Vittorio Segarbi responded; "Whoever has only one lifelong partner is mentally unbalanced." in Newsweek, Dec. '95)

<sup>2</sup> President Clinton survived a sex-and-lies scandal when the Senate refused to remove him from office last February despite his affair with former intern Monica Lewinsky and his impeachment by the House. Other famous adulteries include FDR and Lucy Mercer, Marilyn Monroe and John (and maybe Robert) Kennedy, John F. Kennedy and (fill in the blank), Ingrid Bergman and Roberto Rosellini, Prince Charles and Camilla Parker-Bowles (Newsweek, Dec. 1999)

<sup>3</sup> In a Glamour Magazine poll, 18% approved in general of extramarital relationships. The NY Times (February 17, 2000 ) reported the following: The prospective brides stand on a stage in wedding gowns, waiting for a proposal on the Fox broadcasting network called "Who Wants to Marry a Multimillionaire?" which featured a parade of would-be brides competing to be chosen by a multimillionaire and culminated in an on-the-air wedding presided over by a Nevada judge. 22.8 million viewers watched the show. In its final half-hour, the show drew more than a third of all women younger than 35 watching TV Tuesday night.

Essentially, all these women had agreed to marry themselves off to an unknown man on a television show. The Fox Web site ([www.whowantstomarry.com](http://www.whowantstomarry.com)) was so flooded with requests from women to be on the next edition of "Multimillionaire" that it crashed.

In the show, Darva Conger married Rick Rockwell exactly one commercial break after meeting him, and dumped him immediately. Sure, she's legally wed to Ricky Rocky--but she doesn't consider herself really married because she's a "Christian woman, which means if I'm not married in a church with a preacher, I am not married before God and I am not married in my heart."



In Italy, the percentage of people 60 or older is 25. By 2050, if current trends hold, 42 percent of Italy's population will be 60 or older.

While many people and many politicians in Europe would like to clamp down on the rising tide of new arrivals over the last decade, they may be forced to accept it, simply to fill jobs and maintain levels of productivity.

Many governments have expanded tax breaks for parents, child care alternatives or maternity and paternity benefits, though this is not helping. The Italian government provides mothers with nearly full salary compensation for about a half-year of maternity leave, suggesting that the reasons go well beyond the arithmetic of salaries and schedules.

People are studying longer, working and marrying later. The possibility of marrying later, in turn, is facilitated by sexual liberation. Even after marriage, many opt not to have a baby at all. Contraception and abortion are more readily available. Divorce is more common.

Moreover, decades of prosperity have altered people's assumptions and expectations. Older people once poised to look after grandchildren now pursue other activities and travel more. As for would-be parents, their attachments to leisure time, conveniences and indulgences do not easily accommodate multiple children — or sometimes, for that matter, any children at all. This applies to women as well as to men<sup>1</sup>.

## NON-ORTHODOX JEWISH RESPONSES

Predictably, secular, Reform and other non-Orthodox Jews are on the liberal side of the gay rights issue. On college campuses across North America, Jewish student organizations routinely include gay contingents, and speakers at Holocaust-awareness events, denounce anti-Semitism, racism and homophobia in the same breath.

The Reform movement ordains open homosexuals and sanctions same-sex unions<sup>2</sup>. Milton Himmelfarb relates that in the midst of the Central Conference of

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<sup>1</sup> In a CBS News survey Sep. 1997, for the first time since the early 80's more women say they would rather work outside the home than inside, and more than half the women felt they were pursuing careers rather than jobs. Most women felt that working women made worse mothers (while most men felt that it made no difference)

<sup>2</sup> As far back as 1977, Reform rabbis passed a resolution "encourag[ing] legislation which decriminalizes homosexual acts between consenting adults and prohibits discrimination against them as persons." Fourteen years later, the Conservative movement followed suit with similar resolutions. Reform rabbis endorsed same-sex civil marriages in 1996, and the movement recently voted to allow rabbis to conduct same-sex marriages and to permit ordination for gay men and women.

In March 30<sup>th</sup>, 2000, Hanna Rosin reported in the Washington Post that about 500 members of the Central Conference of American Rabbis approved a resolution backing any rabbi's decision to preside over a gay union through 'appropriate Jewish ritual.' ...



American Rabbis' deliberations over the ordaining of homosexuals, a professor at Hebrew Union College reminded the rabbis "that Leviticus 18 — the Jewish tradition's choice, over 186 other chapters in the Pentateuch, as the reading for Yom Kippur afternoon — calls homosexual acts an abomination. A member of the majority easily disposed of the objection: 'It's pretty late in the day for Scriptures to be invoked in CCAR debates.'"

Consistent with this position, the Reform movement opposed a proposed amendment to the U.S. Constitution defining marriage as the union of a man and a woman<sup>1</sup>.

While the Conservative movement is debating whether to ordain open homosexuals<sup>2</sup>, many of its rabbis officiate at same-sex commitment ceremonies<sup>1</sup> and

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"The Torah [the first five books of the Old Testament] calls homosexuality an abomination. ... But the Reform movement has always believed in adapting Judaism to the realities of modern America. In this case, it argues that rabbis from the biblical age could not have anticipated that homosexuality was innate, or could lead to stable, loving relationships.

The Reform movement also urged its congregations to terminate Boy Scout chapters because of that group's policy banning openly homosexual troop leaders.

<sup>1</sup> The Reform movement's Religious Action Center's Associate Director, Mark J. Pelavin, in a statement released on July 12, asserted that the amendment "would defile the Constitution" and enshrine "intolerance in a document which protects the rights of all Americans." He went on to wonder if "America's families and marriages and communities [are] so fragile and shallow that they are threatened" by contemporary liberal mores.

Mr. Pelavin dressed up his movement's views in religious rhetoric: "We believe as a fundamental tenant [sic] of our faith that all human beings are created in the Divine image, as it says in *Genesis* 1:27, 'And G-d created humans in G-d's own image, in the image of G-d, G-d created them; male and female G-d created them'."

<sup>2</sup> Conservative's top law-making body, the Committee on Jewish Law and Standards, gets set to revisit the movement's ban on same-sex unions and gay and lesbian rabbis. The decision, members of the law committee said, will come down to the fundamental question of whether to uphold the historical understanding of the biblical prohibition against homosexual sex. Writing for the *Forward*, Ami Emden pointed out that this is the second time that Episcopal and Conservative Jewish leaders are debating the same contentious societal issue at the same time, along similar ideological fault lines. A generation ago, the two movements found themselves wrestling with women's issues as the nation debated the need for an Equal Rights Amendment. The church ended up approving the ordination of women in 1976; within several years, the Conservative movement's Jewish Theological Seminary had agreed to start ordaining women. "I have a certain amount of empathy for what they are going through, because in both the Episcopal tradition and the [Conservative movement] we are trying to take tradition seriously and trying to take modernity seriously," said Rabbi Elliot Dorff, a member of the law committee and one of the leading advocates for reversing the movement's position on homosexuality. "The struggle over how you integrate modernity and tradition is very similar." Apparently, taking modernity seriously includes for Dorff, contradiction to a clear verse in the Torah. Many Conservative rabbis are pushing for a reinterpretation of the verse to read that it only apply to acts of forced sex and cultic sex. They argue that when the Torah and, centuries later, the Talmud were written, religious authorities had no conception of monogamous, homosexual relationships not linked to pagan worship.

University of Toronto Jewish studies professor David Novak, who broke with the Conservative movement more than a decade ago and joined the more right-wing Union for Traditional Judaism wrote that, "[Dorff] seems to prefer the *feel* of tradition and its modes of discourse to its actual content. Like so many modern theologians, Dorff does not seem to recognize a God who says 'no.'"



the former rector of one of its rabbinic seminaries has openly endorsed gay "marriages."<sup>2</sup>

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Novak argued that "a Judaism that accepts homosexual unions and is even willing to formalize them is so far removed from historic Jewish culture that it is doubtful it can survive with its Jewish identity intact."

In many ways, this battle has been fought over the past 30 years, as the Conservative movement slowly moved to embrace gender egalitarianism. While the halachic issues were less problematic and the precedents for change were more apparent, the bottom line is that the Conservative movement repeatedly abandoned longstanding ritual restrictions on women, even ones viewed as biblical in origin when they were seen to conflict with modern notions of equality and justice. (Debates on Gays Link Anglicans, Conservative Jews, Religion Notebook, by Ami Emden, in the Forward, Sep, 03)

<sup>1</sup> The board of directors of Baltimore's largest Conservative synagogue has voted to allow its rabbis to perform same-sex commitment ceremonies in the sanctuary.

Last month two women became the first couple to take advantage of the new policy at Beth El Congregation on Park Heights Avenue, a 1,750-family synagogue located in an area of the city known more for its ultra-Orthodox seminaries and kosher restaurants than its gay population. The ceremony was officiated by the congregation's religious leader, Rabbi Mark Loeb, and its assistant, Rabbi Steven Schwartz.

Observers say the practice is no longer confined to maverick rabbis in the San Francisco area and estimate that as many as 80 Conservative rabbis are officiating at same-sex ceremonies.

But Loeb insisted that although the event was a religiously sanctioned union of sorts, it did not qualify as a Jewish wedding. A standard wedding contract, or ketubah, was not used, and traditional marriage blessings were not recited.

In the law committee's 1992 decision it is stated that the Conservative movement "would not perform commitment ceremonies for gays and lesbians."

Although same-sex ceremonies are in violation of sentiments of the law committee, performing such ceremonies does not violate the Standard of Rabbinic Practices, a short list of religious rulings that clergymen must obey or face severe disciplinary action. Rabbis can be thrown out of the movement for performing intermarriages, officiating at a second marriage where one of the parties has not secured a religious divorce or using the standard of patrilineal descent to establish a person's Jewish status. Based on "Forward" September 26 2003

<sup>2</sup> In *Moment Magazine*, April 2000, Avi Shafran (The Conservative Lie) summed up the Conservative position:

In late 1997 ... the dean of JTS's rabbinical school, facing the wrath of outraged students, reassessed a letter he had written proscribing premarital and homosexual sex. It had been, Rabbi William H. Lebeau insisted after the uproar, only a "personal statement, not a matter of policy." Conservative leaders' attitudes toward same-sex relationships are a particularly timely and telling window into the movement's true feelings about halachah. There is an undeniable halachic prohibition—in the case of men, an explicit verse in the Torah—against homosexual activity. Officially, the movement is still on record as prohibiting it. However, Rabbi Joel Meyers, executive vice president of the Conservative Rabbinical Assembly, has admitted that "there has always been a group within the RA that has been consistently agitating for a change in halachah" concerning how practicing homosexuals should be regarded. "Changing" a verse in the Torah is about as blatant an abandonment of halachah as can be imagined.

Indeed, the process of changing halachah on this issue has already begun. For starters, the movement's 1996 decision affirming the Torah's prohibition of male homosexual activity contained a striking dissent rejecting the Torah's characterization of such male activity as an abomination. The movement considers such dissenting opinions to be legitimate options for Conservative Jews.



Many Lesbians have what is called a commitment ceremony. Instead of a Kesuva they sign a Shtar which establishes them as a partnership and outlines their mutual responsibilities. Others actually imitate a wedding, amending the language of the blessings to include two brides and omit any mention of a groom.

Besides these self-styled weddings, a whole genre of lifecycle rituals and Jewish liturgies tailored to the needs of gays is developing. Gays claim that this allow them to maintain their ties with the Jewish community.

The night before a lesbian wedding is called a “melave kallah,” or celebration of the brides. Female ‘couples’ have children through the contribution of an anonymous sperm donor and now there are female ‘mohelets’ to makes sure that the kid, if a boy should be named as the son of both the mother and her partner.

Two years ago the Reform Movement set up a committee creating a guide to same-sex wedding ceremonies and the Reconstructionist movement created an egalitarian divorce document. Many same-sex couples (and progressive heterosexual ones) look to the “Brit Ahuvim,” or Lovers’ Covenant, developed by feminist theologian Rachel Adler and published in her 1998 book “Engendering Judaism.”

Adler describes her ritual as “a covenant of distinction,” one of “devotion” and “mutual loving-kindness,” and quotes the first Book of Samuel in which Jonathan makes a covenant with David<sup>1</sup>.

2003's March for Israel Parade in New York City created controversy when the gay synagogue in New York wished to participate in the parade as a unit. The major Orthodox organizations felt that they could not march if the gay synagogue was allowed to participate. The matter concluded with the barring of the gay synagogue from the parade<sup>2</sup>.

The Canadian Coalition of Liberal Rabbis for Same-Sex Marriage, comprised of 25 Reform and Reconstructionist rabbis across Canada, presented a 21-page factum to the court in support of same-sex marriage, arguing that homosexual couples are just as capable of fulfilling Jewish values as heterosexual ones, and that Jewish law in this area is “not immutable<sup>3</sup>.”

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Some Conservative rabbis already are officiating at same-sex ceremonies without jeopardizing their standing in the Rabbinical Assembly, according to Rabbi Meyers. Conservative Rabbi Phil Graubart has even insisted that he is “committed to halachic creativity regarding homosexuality precisely because I’m in the Conservative movement.” The former rector of the movement’s University of Judaism in Los Angeles, Rabbi Elliot Dorf, has openly endorsed the blessing of “gay unions.” He predicts that as time goes on, “there will be an increasing number of Conservative rabbis who will look forward to affirming same-sex unions. All evidence considered, this does not seem an unreasonable expectation.

<sup>1</sup> *The Jewish Week*, August, '03, “Gay Rituals Going Mainstream Debra” Nussbaum Cohen - Staff Writer

<sup>2</sup> Rabbi Benjamin Hecht explained the Orthodox position as follows: The gay synagogue was openly declaring their rejection of the Halacha and, in fact, defining themselves through this very violation. A synagogue which presented itself as the proud place of worship for lovers of cheeseburgers would have initiated a similar response. (The March for Israel Parade and Halachik Decision Making)

<sup>3</sup> *Canadian Jewish Times*, June, '03



A female Reform ‘rabbi’ in Canada, Landsberg, said same-sex marriage fits with her understanding “of the appropriate extension of what is understood as marriage in a Jewish sense.” Halachah is open to “natural growth and development, just as the Jewish people are<sup>1</sup>.”

In Israel, the situation is no different. Since 2002, Jerusalem has had its own Gay Pride march, joining Tel Aviv and cities around the world. The event starts with the Tefilas HaDerech and ends with Shabbat services. The event is organized by The Open House, a Jerusalem community center for homosexuals and lesbians. After a legal battle, the city reluctantly agreed to pay Open House NIS 40,000 for the event in 2003.

## THE MENTAL HEALTH PROFESSION

In 1973, as a result of changing mores and an extremely effective gay lobby, the American Psychiatric Association (APA) removed homosexuality from the Diagnostic and Statistical Manual (DSM), its diagnostic list of mental disorders. Unfortunately, this resulted in funds for research on treatment drying up. More recently, there has been an intense effort to discredit and even eliminate therapies to assist clients in reducing their homosexual attractions. The climate in the mental health community has become so hostile to such treatment that even mentioning it can lead to therapists being ostracized or blacklisted.

Behind this trend to de-pathologize all sexual activity is a broader trend in psychiatry today. Once, psychiatrists tried to understand the causes behind a behavior, and those which seemed to come as a result of emotional or developmental problems, for example, were labeled abnormal.

But today psychiatrists ask not about the underlying reasons of a behavior but rather whether it is disabling in the here and now. If it does not cause distress or disability, then it will not be labeled as a mental disorder. People with "sexually unusual" interests, some psychiatrists claim, may in fact be quite happy and well-adjusted<sup>2</sup>. And by labeling of their conditions as "pathological" they suffer social discrimination.

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<sup>1</sup> Ibid.

<sup>2</sup> Pedophiles are not distressed about their attractions at all--except, notes Dr. Richard Green, about the possibility of being jailed. In fact, "some celebrate their interests, organize politically, and publish magazines or books."

*Disability.* Considering another marker of illness, "disability," Green says, psychiatry must not let itself be locked into the narrow definition of disability currently dictated by our culture. When we broaden our view to consider other cultures over time, Green explains, we see that many African tribes and even the ancient Greeks considered man-boy pedophilia to be a helpful rite-of-passage into manhood.

*Animal Behavior.* Looking at normality from the perspective of our animal relatives, Dr. Green looks at a close genetic relative, the pygmy chimp, or bonobo. Studies show that the bonobo



Furthermore, they say, since the A.P.A. has no concept of what "healthy sexuality" or even a "healthy personality" actually entails, then how can psychiatry presume to define "unhealthy" sexuality?

Most mental health professionals who graduated in the past fifteen years or so have never been exposed to the documented successes of those who have sought to change their sexual orientation; many such professionals therefore tend to dismiss the notion of change, responding in an almost reflexive manner<sup>1</sup>.

Studies do, in fact, indicate that there is higher risk of suicidality, major depression, anxiety disorder, substance abuse and other mental illnesses in the gay population. However, this in no way proves the "homophobia theory" mentioned above since the rate of these mental illnesses is higher for the gay-friendly.

In recent years, Gay Affirmative Therapy (GAT) - which focuses on helping clients become more affirming of their homosexual feelings and identity - has become the dominant model within the psychological community. In the American Psychological Association's *Handbook of Counseling and Psychotherapy with Lesbian, Gay, and Bisexual Clients*, there are a multitude of articles on how to help clients become more openly gay, deal with homophobic parents, etcetera, but articles on helping one overcome homosexuality are conspicuously absent and would probably never be considered for inclusion. The notion that someone with SSA would want to change is considered the inevitable result of societal pressure and never that of personal choice.

Even men who are married are advised that the only path to true self-fulfillment is through homosexuality. Typical is the book *Just Tell the Truth*, in which Dr. Terry Norman asserts that all married men with same-sex desires *must* leave their wives and families and go through a prescribed series of steps (gay sexual exploration, an intimate relationship with another man, affiliation with the gay community and spiritual integration) in order to achieve "orientational authenticity" and maturity.

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has erotic contact with babies of its own species. And that behavior isn't likely harmful to the babies, Green says, because it's the babies themselves that often initiate the sex play.

*Frequency of Occurrence.* Green says that contrary to popular myth, pedophile attractions aren't even especially unusual. Studies prove that many so-called "normal" men with conventional sexual interests can, in fact, be sexually aroused in a laboratory setting when they are shown erotic photos of little girls.

Is the pedophile a dysfunctional person? No, Green says; in truth, there appear to be quite a number of "highly skilled pedophiles" - in fact, even some beloved public figures--so a simple explanation of "social inadequacy" doesn't explain their psychological condition.

Taken together, Green says, these findings converge on the conclusion that pedophilia is not a mental disorder - at least "not unless we declare a lot of people in many cultures and in much of the past to be mentally ill."

<sup>1</sup> In *Trembling Before G-d*, the therapies to reduce SSA mentioned, range from the ridiculous - to the draconian-snapping oneself with a rubber band, eating figs, electric shock treatments and libido-controlling drugs. All the conventional tools of psychotherapy are ignored. Moreover, nothing worked. There are no success stories, an omission the filmmaker justifies by claiming they were too hard to find.



The APA maintains that therapy that aims to reduce SSA bears "great" psychological risks since a therapist who is prejudiced against homosexuality "may reinforce self-hatred already experienced by the patient." Along with its counterpart, the American Psychological Association, the APA (American Psychiatric Association) has proposed declaring it unethical for psychiatrists to participate in such therapy irrespective of what the client wants.

This proposal has been criticized by, among others, Dr. Robert Perloff, a past APA president, who argues that psychologists have an obligation to "listen to the client," and that the proposed policy would stifle further research<sup>1</sup>.

## PUBLIC & POLITICAL OPINION

The last five years has seen the rapid liberalization, in all of the Western World, of attitudes to gays. The move across the political, legal, religious and social spectrum is towards not only accepting gay behavior, but also gay marriage.

American society is possibly the most conservative of all the Western countries on this issue. Yet, even here, criticism of gays in any form is rapidly becoming totally unacceptable. In May, 2003, Republican Senator Rick Santorum of Pennsylvania faced a firestorm of criticism when he told the Associated Press: "If the Supreme Court says that you have the right to consensual sex within your home, then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery." (Or, as David Novak of Toronto puts it: "Polygamy... incest. Why just two human beings?")

Even within the Republican Party, there is pressure to adopt a friendlier stance toward gays. And it is not just talk. Parts of American society are actively supporting gays, often with tax dollars. For example, this year, 2003, New York is spending \$3.2 million in tax dollars to expand a program for gay students into America's "first accredited high school designed to meet the needs of gay, lesbian, bisexual, transgender and questioning youth." The money comes at the expense of millions of other students who do not have their educational needs met<sup>2</sup>.

As Elisabeth Bumiller put it in the NY Times<sup>3</sup>, "The cultural change has been swift, radical and seemingly irreversible. Gay characters star in prime-time television shows like "Will & Grace," and real gays appear in reality programming like "Queer Eye for the Straight Guy." Most Americans say they know someone who is gay, and a vast majority support equal rights for gays in the workplace. One of Vice President Cheney's daughters is openly gay; so is a daughter of a Democratic presidential candidate, Representative Richard A. Gephardt.

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<sup>1</sup> This section is based on Adam Jessel in *Jewish Action* and other sources

<sup>2</sup> *Wall Street Journal*, August, 2003

<sup>3</sup> August, '03



Americans have even become less censorious about gay sex itself. In 1991, 71 percent said gay sex was always wrong, according to the General Social Survey, a leading cultural barometer. By 2002, that number had fallen to 53 percent, and another 32 percent said that gay sex was not wrong at all.

The final barrier remains same sex marriage. In many other countries around the world, legalizing same-sex marriage is already a done deal or just a matter of time. In Canada, where most of the population supports such a move<sup>1</sup>, Ontario, already has this on its books<sup>2</sup>. Today, there are no less than 6,685 same-sex Toronto couples registered as permanent partners<sup>3</sup>. The 2001 census found 34,200 self-identified same-sex couples in Canada.

The Canadian national government has drafted a bill that redefines marriage as "the lawful union of two persons to the exclusion of all others" but lets religious institutions refuse to marry same-sex couples. (See the Legal Situation in Part One of this article.)

Ironically, Canadian gay couples have not rushed to marry in great numbers in the few weeks since June 10, when they became eligible<sup>4</sup>. Having achieved what they were always asking for, many see that "integration" will force them out of their licentious gay culture, forcing them to become more normal human beings. Predictably, males, who as homosexuals are far more licentious than female lesbians, are more opposed to legal marriage. Rinaldo Walcott, a sociologist at the University of Toronto, put it this way: "I can already hear folks saying things like: 'Why are bathhouses needed? Straights don't have them,' " he wrote. "Will queers now have to live with the heterosexual forms of guilt associated with something called cheating?"

These gays say they want to maintain the unique aspects of their counterculture and their place at the edge of social change. Common Law unions already give them most of what they want<sup>5</sup>. The main advantage will be for those who adopt children and want their same-sex partner to be able to be called a co-parent.

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<sup>1</sup> A poll of 2,018 Canadians published in The National Post found that 53 percent supported same-sex marriage while 43 percent were opposed. Three percent were undecided according to the survey, which has a margin of error of 3 percent. Several surveys have found that the strongest opposition comes from elderly and rural voters.

<sup>2</sup> Prime Minister Chrétien and his cabinet decided in June not to appeal a decision by the Ontario Court of Appeal to allow same-sex marriages in Ontario, Canada's most populous province. In opposition the bishops have tried to organize leaders of the Muslim, Greek Orthodox, Coptic Orthodox and Maronite communities into a united front.

<sup>3</sup> Figures are from the 2001 census. This figure is about one-fifth of the total across Canada.

<sup>4</sup> Between the June 10 court ruling and the end of August, 590 gay and lesbian couples — out of a total of 5,500 couples — had taken out marriage licenses in Toronto's city hall. And more than a hundred of them were American same-sex couples who crossed the border to marry.

<sup>5</sup> Because common-law couples have most of the same rights and obligations in Canada as married couples — from jointly filing tax returns to spousal support after a breakup — many gay couples here do not see much reason to marry.

Common-law arrangements represent 14 percent of all households in Canada, according to the 2001 census, considerably more than that 9.1 percent of the unmarried household partners found in the United States census of 2000.



In the States, a majority of people still oppose same sex marriage.<sup>1</sup> However, after the Supreme Court ruling in June, '03, the issue had entered the debate<sup>2</sup>.

"Marriage is the one institution that touches on everything that Americans really care deeply about," said Alan Wolfe, an authority on cultural and religious issues in American politics. Pollsters say most Americans consider marriage essentially a religious institution intended explicitly for a man and a woman. A vast majority of Americans are, after all, married in a religious ceremony — 86 percent, according to a poll last month by Peter D. Hart Research Associates. "People who would never step inside a church for religious reasons will get married in one," Mr. Wolfe said. "That's what churches are for many people these days."<sup>3</sup>

To counter this, gay leaders are emphasizing that marriage is a legal matter between two people and the state, and that civil unions are a way to confer rights on the domestic partners of gays<sup>4</sup>.

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All told 1,158,410 couples live in common-law arrangements throughout Canada, according to the 2001 census.

<sup>1</sup> Pollsters say that public opinion has been gradually shifting, albeit slowly, toward a more tolerant view of homosexuality. A Gallup Poll in May, asking whether gay couples should be able to "legally form civil unions, giving them some of the legal rights of married couples," found the public evenly split, with 49 percent in favor and 49 percent opposed. In February 2002, the equivalent figures were 53 percent against to 41 percent in favor.

A New York Times/CBS News Poll of 3,092 people, conducted nationwide by telephone from July 13 to 27, found that 55 percent of those interviewed opposed "a law that would allow homosexual couples to marry, giving them the same legal rights as other married couples," while 40 percent favored it.

A Gallup poll released in late July found that the number of people who opposed gay civil unions had actually gone up to 57%, from 49% two months earlier.

President Bush was pressured by his conservative supporters to oppose gay marriage publicly, which he did last month in the Rose Garden — when he used a question about homosexuality to talk specifically about gay marriage. This declaration put him in agreement with 70 percent of Republican voters.

Most of the Democratic presidential candidates oppose gay marriage, too, as do 50 percent of Democratic voters. All the candidates support extending legal rights to gay partners, and some explicitly support same-sex unions. The key to getting legal rights for gay partners, these candidates argue, is to banish the word "marriage" from the public debate, because it most often triggers a deep emotional and negative response.

Most religious denominations in the United States do not approve of gay unions — even Episcopal Church leaders rejected a proposal for the blessing of same-sex unions a day after approving the election of the church's first openly gay bishop. So the term "gay marriage" is particularly threatening in the most religious industrialized society in the world.

<sup>2</sup> The word came first from Justice Antonin Scalia, who in a sharp dissent to the sodomy decision accused the court of having "largely signed on to the so-called homosexual agenda." He predicted that same-sex marriage would be the logical next step.

<sup>3</sup> NY Times, August, '03

<sup>4</sup> Ibid.



## THE MEDIA

Thirty years ago, prime-time television series often depicted homosexuals as suicidal or psychopaths.<sup>1</sup> This year, the Bravo cable network presents its new reality show, "Boy Meets Boy," in which a gay bachelor will choose a potential partner from a field of 15 men, some of them straight.<sup>2</sup>

However, today the gay situation in the media is one of a headlong charge into legitimization.

On television there are currently two-dozen gay characters, all portrayed in a positive light.<sup>3</sup> The reason for this, says well-known film critic Michael Medved, is that in Hollywood one is required to be gay approving or they risk being labeled homophobic, and the burden of proof that one is not homophobic rests with each individual, forcing producers to promote gay characters that are almost uniformly-and unrealistically-positive.

Condé Nast's *Bride's* magazine, in its September-October '03 issue, contained a full-page article on same-sex weddings.<sup>4</sup>

"We were hearing from various retailers that same-sex couples had become an important part of their gift registries," Millie Martini Bratten, the magazine's editor in chief and the editorial director of Condé Nast's Bridal Group, said. "And we were

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<sup>1</sup> In an episode of "Marcus Welby, M.D.," the doctor tells a tormented patient to "win that fight" against his homosexual feelings. An episode of "Police Woman" centered on three lesbians who murdered the residents of a retirement home.

<sup>2</sup> That will be followed by "Queer Eye for the Straight Guy," another new reality show on Bravo. In that show, a team of gay men with various kinds of expertise — in designer clothing, in food and wine, in the arts — save aesthetically challenged straight men from their own warped senses of fashion.

<sup>3</sup> Craig Zadan and Neil Meron, the executive producers of "It's All Relative," a new ABC sitcom about a star-crossed engaged couple — the daughter of two upscale gay men and the son of a blue-collar couple — said that the television landscape had shifted significantly in the eight and a half years since their first gay-themed television project, the NBC movie "Serving in Silence." Then, sponsors chafed at the movie — some refused to advertise — some groups protested and even some of NBC's affiliated stations expressed discomfort. Today, advertisers are not only willing to put ads on shows like this, but a growing number of advertisers are actually embracing gay themes in their advertisements — most recently the online travel agency Orbitz.

<sup>4</sup> This was the first time that any of the five top-selling bridal magazines has published such a feature. Gay and lesbian couples are interviewed about why they want their friends and community to recognize their unions publicly. The article also offers advice on how to be a good guest. It urges readers "not to panic" if they are invited to a gay wedding. *Bride's*, established in 1934, is the oldest and largest of the national wedding magazines, with a circulation of 402,897.



answering more readers' questions: "If two women were getting married, what's the appropriate attire?" " She also noted that The New York Times and other newspapers had begun publishing notices of same-sex ceremonies.

Same-sex ceremonies have been covered for some time on Internet wedding sites."<sup>1</sup>

The only thing holding back other national bridal magazines from following suit was their concern of losing advertising revenues. However, so far, Condé Nast reports no adverse advertising reaction<sup>2</sup>.

These shows join a growing prime-time roster of gay-themed programming — "Queer as Folk" on Showtime, "Will and Grace" on NBC — that reflects a major shift in attitudes about gay subjects not only among television executives today but also among advertisers and audiences. "Will and Grace", was the third-most-watched sitcom on network television last season.

Several network and cable television executives said the Supreme Court's 6-to-3 decision in June, overruling a Texas sodomy law, underlined what they already knew: that the nation's attitudes toward gays and lesbians are radically changing.

As one screen writer, Max Mutchnick, put it "These new gay shows are a reflection of what everyone sees now in their jobs, in their families, in their schools. The Brady Bunch never lived next door to anyone in America. Gay people do live next door."

"The net effect is to forward an agenda making homosexuality appear first normal, and then desirable," he said.

## THE CHURCH

On two sides of the ocean, in England and the States, the issue of homosexuality has pushed itself to the front of two major churches, and in both cases, the liberal view won out.

In the USA, on Aug. 5<sup>th</sup>, 2003, an openly gay person was elected as a Bishop of an Anglican-affiliated church<sup>3</sup>, the Episcopal Church of the USA<sup>1</sup>. The worldwide

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<sup>1</sup> One such site, TheKnot.com, claims more than two million visitors a month. The Knot has covered same-sex weddings since it began operating in 1997.

In 1999, TheKnot.com ran a contest called "Millennial Couple," which attracted almost 5,000 entries. The winning couple — determined by votes from visitors to the site — was Kimberly Acquaviva and Kimberly McGannon, who came to be called "The two Kimmies."

<sup>2</sup> Based on a NY Times article, 28, July, '03

<sup>3</sup> In June, '03, the NY Times reported that Episcopalians in the Diocese of New Hampshire elected as their leader the first openly gay bishop, Mr. Robinson, who lives with a same-sex partner.

There was no organized opposition in his diocese to Mr. Robinson's election. The Rev. David P. Jones, rector of St. Paul's Church said he believed Mr. Robinson was elected as bishop



Anglican Communion, a global association of churches in 164 countries. The Episcopal Church USA voted to confirm New Hampshire's chosen bishop, V. Gene Robinson<sup>2</sup>. The last time the church was racked with such controversy was when it began the ordination of women in 1976 and then ratified a woman, Barbara Harris as bishop, in 1989.

The Anglican Communion is the second largest international body of churches after the Roman Catholic Church, with 79 million members in 38 regional churches that trace their heritage to the Church of England.

In addition, Episcopal Church leaders approved a landmark resolution stating that local dioceses are within the bounds of the church when they allow clergy members to bless the unions of gay or lesbian couples.

"What this says is that these blessings are within the embrace of God," said the Rev. Francis H. Wade, chairman of the committee that helped write the resolution. Bishop Charles said. "They're already doing it," he said. "They would like to have the same dignity that each one of you have."

The resolution went further than merely acknowledging that blessings of same-sex unions took place, affirming the blessings' doctrinal soundness. The resolution essentially creates a local option: Bishops in the church's 110 dioceses may allow such ceremonies, but are not required to. Father Hopkins said he had conducted same-sex unions in his church, St. George's Episcopal in Glenn Dale, Md., for nearly 10

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because the delegates trusted him and were familiar with him, not that they wanted to make him a cause célèbre. "Ten years ago I would not have been happy about this because I would have felt it's clearly contrary to the Bible, contrary to the traditions of the church. "It's all because I've experienced the ministry of this man and a couple of others that I think I was mistaken," Mr. Jones said. Church experts say that the Episcopal Church has had gay bishops before and does now, but none who have made their sexual orientation known before they were elected. The only gay bishop to disclose his sexuality before now is retired Bishop Otis Charles of Utah, who sent a letter to the church's House of Bishops in 1993 sharing his experience as a closeted gay churchman watching the bishops wrestle with the issue. On Friday, the Daily Telegraph in London reported that leaders of the Church of England have known for years that Bishop Jeffrey John, a newly ordained suffragan bishop in the Diocese of Oxford, had been living with his gay partner of 25 years.

Bishop-elect Robinson, likened his election to that of Bishop Barbara Harris, the first woman bishop in the Episcopal Church, elected in 1988 in Massachusetts. "There were dire predictions of schism then, and today the gifts of women in ministry are almost universally accepted," he said. Only 3 of the 100 Episcopal dioceses in the United States now do not ordain women.

<sup>1</sup> 62 of 107 diocesan bishops voted to approve the bishop-elect.

<sup>2</sup> Mr. Robinson, who is 56, has served as canon, or assistant to the bishop, of New Hampshire, for 16 years. He was married for thirteen years, and has two daughters. He says he underwent years of therapy, sometimes twice a week sessions, that he had hoped would "cure" him of his homosexuality. But he and his wife divorced in 1987. He says they gave back their rings in a church ceremony and agreed to share in the raising of their daughters, now 21 and 25. A few months later, his wife remarried and he met the man who is now his partner, he said. He says he remains close with his ex-wife and his daughters.



years, uniting about 10 couples, performing a rite that he wrote himself. Originally, the church leaders here were considering writing an official liturgy to celebrate same-sex blessings. That measure was dropped from the resolution as part of a compromise with conservatives here.

Bishops overwhelmingly voted for the compromise. Even many conservative bishops voted yes. The fact that the church rejected a proposal to begin writing an official liturgy for the blessing of same-sex unions to be included in a liturgical book, means that "This is best because those of you who have reached a further point of clarity can continue to do what you think is right in your area," said Bishop Gethin Hughes of the Diocese of San Diego. "For many of us who are still struggling," he said, there will be more time for sorting through the issues and coming to some answer together

While the conservatives on homosexuality are a minority in the church in the United States, they are a majority where the Anglican church is growing most quickly, in Africa and Asia. At the Lambeth Conference in 1998, a once-a-decade meeting of Anglican leaders, a resounding majority endorsed a resolution declaring homosexuality to be "incompatible with scripture," but the resolution was non-binding. The debate over homosexuality has been simmering among Episcopalians for nearly 30 years, but only recently boiled over with recent decisions in Canada and England. The Canadian diocese of New Westminster, which covers greater Vancouver, declared in May that it would formally bless same-sex unions. In response, 16 primates in Africa, India, South America the West Indies, the Philippines and Southeast Asia severed ecclesiastical relations with the Vancouver diocese and its bishop. In addition, nine parishes in the Vancouver area broke away from their own diocese, and said they would change their allegiance and redirect their funds to the bishop of the Yukon, who is a conservative on homosexuality.

Then, in a watershed moment on June 6, a gay man selected as a bishop in the Church of England withdrew before taking his seat. Dr. John had had a long-term gay relationship. But Dr. John said that he and his partner, also a priest, had become celibates after the church in 1991 explicitly forbade priests from having gay sex<sup>1</sup>.

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<sup>1</sup> The new Bishop of Reading disclosed that he was still in a relationship with his gay partner of 27 years.

Dr. Jeffrey John said they would be together for the rest of their lives and that he had no intention of standing down. He insisted the relationship was platonic.

He said he supported rites of blessings for same-sex couples, although he and his partner had never had a blessing because he believed in upholding the disciples of the church. *Issues in Human Sexuality* justifies the notion that the practice should be morally acceptable for lay members of the Church but not for its priests.

Ironically, the Church of England has always been something of a refuge for homosexual men. A sizeable number of priests are gay, though they have to remain quite about it.

Dr. John said that the love between two people reflected God's love for humanity. "I believe the mystery of covenanted love actually can work for two people of the same sex just as much as it can work for a married couple," he explains, "God is a covenanting, faithful God and he loves us in this covenanting way. We are made like that too. There is something deep in us that wants to enter into a covenant of love with another human being. This is something of the pure and best in us, something that reflects God's image in us."

His supporters include the Bishop of Oxford and other bishops. (Based on The Times, June 19, 2003, by Ruth Gledhill)



In October, 2003, leaders of the 38 Anglican provinces from around the world met in London to attend an extraordinary closed meeting intended to resolve the crisis. On one side are the liberal-leaning archbishops from the United States, Canada, Australia and parts of Africa and Asia. They are expected to support the Episcopal Church USA. These church leaders say that the real issue is honesty: There are gay Anglican priests, bishops and churchgoers in many countries, and the American church has merely allowed them to come out of the closet. On the other side are conservatives from most of the provinces in Africa, Asia and Latin America who maintain that Scripture forbids homosexual relationships. Their churches, established by Anglican missionaries, have flourished and now account for about two-thirds of the Anglicans worldwide. "If we kept quiet, we would lose a lot of people," the archbishop of Lagos, the Most Rev. E. Adebola Ademowo, said in a recent interview. "They would feel the Anglican church is not a biblical church." The Americans and their supporters argue that each national province is autonomous and has the juridical right to choose its own bishops and set its own standards. 6 of 109 dioceses in the United States have passed resolutions condemning the Episcopal Church. And last week, more than 2,700 dissidents called together by a conservative group, the American Anglican Council, met in Dallas and announced their intention to reorganize themselves into an entity separate from the Episcopal Church USA. They vowed to redirect their contributions toward "biblically orthodox mission and ministry" instead of the Episcopal Church.

### *Catholics*

In July '03, the Vatican urged Roman Catholic lawmakers and others to fight back, calling support for such legislation "gravely immoral." "To vote in favor of a law so harmful to the common good is gravely immoral," said the document. It was the second time in the year that the Vatican instructed Catholic politicians to oppose gay marriages.

"There are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family," the document said. "Marriage is holy, while homosexual acts go against the natural moral law."

While, the Vatican condemned what it called "unjust discrimination against homosexual persons," it maintained that the inability of same-sex couples to procreate on their own, violated one of the God-given and most important aspects of marriage.

It said legal recognition for gay and lesbian couples would amount to "approval of deviant behavior, with the consequence of making it a model in present-day society."

It added that allowing children to be adopted by gays and lesbians "would actually mean doing violence to these children" because it would put them in unhealthy home environments.

Although there are an estimated 65 million Roman Catholics in the United States — almost one in four Americans — many pick and choose which of the pope's pronouncements to obey.

In Europe, the limits of the Vatican's influence, as well as one of the seeds of its frustration, were made clear in the pope's failed campaign to have a reference to



Christianity inserted into the preamble of the current draft of a European Union constitution<sup>1</sup>.

In August, '03, a Russian Orthodox priest married off a homosexual couple, defying both religious and state law and earning an immediate suspension. Nothing like this had happened in the church's 1,000-year history, said a spokesman for the Moscow Patriarchate, Viktor Malukhin, and it was blasphemy. Homosexuality is legal in Russia, but it is mostly hidden, and generally condemned.

With the fall of the Soviet Union in 1991, homosexuality was decriminalized and a gay rights movement gained momentum and lobbying groups and gay publications appeared. There is now a small gay subculture in major cities. However, there is also a movement in Parliament to restore the criminal penalties, with its supporters fueling their effort with long-held stereotypes.

## A BRIEF LEGAL HISTORY

When the Supreme Court voted 6 to 3 last month to strike down criminal sodomy laws, it based its decision in part on a brief to the court in which nine historians contended that the legal prohibitions against same-sex sodomy derived from 20th-century prejudice, not the enduring attitudes of Western civilization. As Justice Anthony M. Kennedy made clear in his majority opinion, "there is no longstanding history in this country of laws directed at homosexual conduct as a distinct matter<sup>2</sup>."

Throughout American history, the authorities rarely enforced statutes prohibiting sodomy, however defined<sup>3</sup>. It was only in the late 19th century that the very concept of the homosexual as a distinct category of person developed<sup>4</sup>. Until then, homosexual behavior was part of a broader grouping of deviant behaviors all called sodomy<sup>5</sup>.

Anti-vice societies organized in the late 19th century encouraged the police to step up harassment of gay life as one more part of their campaigns to shut down dance halls and movie theaters, prohibit the consumption of alcohol and the use of contraceptives, dissuade restaurants from serving an interracial mix of customers and otherwise impose their vision of the proper social order and sexual morality.

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<sup>1</sup> Based on the NY Times, 31 July, '03

<sup>2</sup> The full document can be found at [www.lambdalegal.org](http://www.lambdalegal.org).

Interestingly, in *Bowers*, the majority cited evidence that in the 18th and 19th centuries, sodomy was generally illegal in the United States. Chief Justice Warren E. Burger, in his concurring opinion, wrote that to affirm the right to engage in homosexual sodomy "would be to cast aside millennia of moral teaching."

<sup>3</sup> There were only about 20 prosecutions and 4 or 5 executions for the entire colonial period. 21 men were indicted for sodomy in New York City in the nearly eight decades from 1796 to 1873. However, the definition of sodomy included many acts other than homosexual ones.

<sup>4</sup> The word "homosexual" appeared for the first time in a German pamphlet in 1868, and was introduced to the American lexicon only in 1892.

<sup>5</sup> The definition of sodomy underwent many changes throughout the centuries.



It was only in the 20th century that the government began to classify and discriminate against certain of its citizens on the basis of their homosexual status. It was as late as 1923 that the New York State Legislature outlawed solicitation of one man by another in a public place. The law referred to homosexuality as a crime against nature. By the early thirties New York State forbade homosexuals from congregating on any premises with a liquor license.

In California in the 1950's, that the presence of gay men in a bar were grounds for closing it<sup>1</sup>.

In 1950, Senator Joseph McCarthy instigated a Senate investigation into "the employment of homosexuals and other sex perverts in government." In 1953, President Eisenhower issued an executive order requiring the discharge of homosexual employees from federal employment.

In the decade following World War II, the police departments of numerous cities stepped up their raids on bars and private parties attended by gay and lesbian persons. In the District of Columbia they topped 1,000 per year during the early 1950's; in Philadelphia, misdemeanor charges against lesbians and homosexuals averaged 100 per month<sup>2</sup>.

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<sup>1</sup> The Alcoholic Beverage Control Board stated that acts such as random touching, mannish attire (in the case of lesbians), limp wrists, high pitched voices, and/or tight clothing (in the case of gay men) became evidence of a bar's dubious character" and grounds for closing it.

<sup>2</sup> Based on the NY Times, July, '03





Walike, Deborah: *The Baltimore Jewish Times*, March 16, 2001

### *Websites*

A very good set of sources on the web has been posted on the ATID website -- <http://www.atid.org/resources.htm> - where you can just click on each link. These sources were collected by Rabbi Uri Cohen, who can be found at [uriyo@princeton.edu](mailto:uriyo@princeton.edu).

The JONAH website, [www.jonahweb.org](http://www.jonahweb.org) also has a good selection of articles. (The Jonah hotline number is 201-433-3444)

[www.peoplecanchange.com](http://www.peoplecanchange.com)