



אגודת הרבנים באוסטרליה וניו זילנד  
*Organisation of Rabbis of Australasia*

*President Rabbi Moshe David Gutnick*

*Immediate Past Presidents Rabbi Mordechai Gutnick; Rabbi David Freilich*

*Vice President Rabbi Meir Kluwgant - Vice President Rabbi Yoram Ulman*

Submission To the Committee of Inquiry: Marriage Equality Ammendment Bill 2010 by the Organisation of Rabbis of Australasia

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The Organisation of Rabbis of Australasia represents the religious leadership of 90% of Australian Jewry. The position of Judaism on marriage is clear. Judaism recognizes marriage as a fundamental human institution, and affirms marriage only between a man and woman.

Judaism recognizes the central role of the two-parent, mother-father led family as the vital institution in shaping the entire human race. Within the Jewish people, the two-parent marriage is a model not only for human relations but for relations with the Divine. The Almighty Himself is seen as being a third partner to the father-mother configuration, and the central role of the family, unless circumstances make it impossible, is to conceive and raise children, thereby perpetuating the human race, and for Jews, ensuring the continuity of the Jewish people.

Nevertheless, while the sources irrevocably forbid homosexual relationships and overt homosexual behaviour, it is critical to adopt the distinction, already implicit in numerous rabbinical texts, between the prohibited act and the perpetrator; that is, between the person and his or her behaviour. The tolerance rightly shown to these individuals by no means condones their behaviour, but accepts them as people all created in the image of G-d . Therefore while tolerance for individuals who are in homosexual relationships is consistent with the core values of Judaism, there is a great difference between tolerance for an individual and recognition of a movement which wishes to turn something clearly prohibited by Judaeo-Christian standards into something not only tolerated, but recognised and indeed solemnised by being included in the institution of marriage.

There is no doubt that society and government must protect all citizens from discrimination, including from discrimination on the basis of sexual preference, but this can be done in other ways, without granting a homosexual union the status and indeed sanctity of marriage.

Indeed it is a complex debate as to the degree with which Judaeo-Christian ethical positions should be translated into public policy in a pluralistic democratic society. How much in general do we permit religion to urge its values upon the greater society? However one thing is clear, at this point in Australian history, our great Commonwealth still bases itself on those ideas, ideals and principles taught to mankind through the great religions of Judaism and Christianity.

Our parliament begins its deliberations with a prayer to the God of all mankind, "Our Father who art in heaven hallowed be thy name, Thy Kingdom come Thy Will be done on Earth as it is in Heaven." Parliamentarians swear their oath on a Bible as do all who stand in our courts. While indeed we make provision for all including those who do not believe in God, and that indeed is an essential part of our democracy, the overwhelming majority of our citizens build their lives around belief in a Creator. Our democratic principles are not those that espouse freedom from religion but freedom of religion.

Indeed the Marriage Act itself in its current form overtly recognises the essentially religious nature of marriage. No other Act of Parliament includes in it the notion that its outcomes are effected by a minister of religion. In some other jurisdictions, in other parts of the world, the recording of a marriage is purely a civil matter totally unrelated to the performance of a ceremony by a minister of religion. The certificate of marriage does not mention how the marriage took place. However our Marriage Act rightly, and to the contrary, provides for marriage to be performed by a Minister of Religion, and the fact that the marriage was performed according to the rites of that particular religion are recorded on the certificate of marriage.

This is all without doubt in recognition of the fact that in our society the institution of marriage has its roots in the deeply held religious conviction of the Judaeo-Christian ethic. Were this not the case, what would stop a future change in the marriage act from allowing a husband to marry two wives or a wife to marry two husbands? If they are all consenting adults what would prevent such a change to legislation?

The answer is clear; marriage in our society is a reflection of the Judaeo Christian teaching on marriage – and included in that teaching is the prohibition against bigamy and the clear and unequivocal biblical prohibition of same sex marriage. Protect citizens from discrimination – but do not change the nature of the Holy covenant of marriage.

Rabbi Moshe D Gutnick  
President