

"The Sanctity of Marriage"

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Several weeks ago, a friend and rabbinic classmate of my husband Micah sent out the following email to a group of colleagues and friends: "On Thursday evening, we drove from Los Angeles to City Hall in San Francisco. We arrived at 3:30 am and joined about 35 other couples already lined up, sitting, lying in sleeping bags and cars, and sitting in a variety of portable chairs all long the sidewalk in front of the building. By 4 am the line was turning around the corner to the second side of the building, a couple of men who had been married at City Hall the day before returned with a small tent shelter to protect couples who were waiting from the ongoing drizzle, the press started arriving, and more people kept coming. The men with the shelter brought doughnuts and passed them out to everyone. A few hours later, another couple came with coffee and cups and passed out coffee to everyone who was waiting...All the while we talked and laughed and shared stories with the couples around us. One couple had been together for 18 years. Another couple had been together for 7 years and had a 1 year old son. It was inspiring and beautiful to know that these couples who had been devoted to each other and their families for so long were going to be able, for the time, to have their relationship recognized."

Since February 12, when Mayor Gavin Newsome ordered city officials in San Francisco to begin issuing marriage licenses to same-sex couples, despite Proposition 22, passed in 2000, which states that only a marriage between a man and a woman would be recognized in California, people have debated his decision. The debate leaves us with several questions: Should gays and lesbians be allowed to marry? Does it matter what we call it—marriage, civil unions or domestic partnerships? And, what does Judaism have to say?

We should note that in one sense it is irrelevant what Judaism or any other religion has to say about same-sex marriage. While it is up to the leaders of religious groups to decide whether or not to recognize and ritualize same-sex marriages, marriage is a civil institution authorized by the state. Religious beliefs should have no reflection on whether or not a state chooses to authorize a marriage.

Therefore, the religious language that has been infused in this civil debate to attempt to dictate public policy is inappropriate. In saying in his State of the Union speech that "our nation must defend the sanctity of marriage," President Bush is incorrectly using his religious views to shape a matter of civil concern. While this employment of religious language is best kept out of the courts, here tonight in the synagogue, it is certainly good for us to think about and explore how our religion might shape our attitudes and beliefs about relationships, marriage, sanctity, and humanity.

The President of the Hebrew Union College-Jewish Institute of Religion, Rabbi David Ellenson, pointed out in an opinion article to the Los Angeles Jewish Journal the significant role that religious fundamentalists have played in setting the terms for this debate. He writes, "I regret that this is so and I feel obligated to speak out lest religious literalists claim a monopoly in speaking on behalf of religion on issues concerning gay and lesbian rights in our country." I agree with Rabbi Ellenson. I watched the news and saw the signs that pointed to Leviticus 18:22, which condemns male homosexual intercourse as an "abomination" and the signs that read, "Homosexuality is a sin." Such a literal reading removes the bible from an ancient social context that could not envision the possibility or appreciate the reality of loving same-sex relationships. Rabbi Janet Marder, President of the CCAR (Central Conference of American Rabbis), argues that "while the law that permits us to own slaves is a vestige of primitive times best abandoned, I would put in the same category the Torah law that calls homosexual acts an abomination and a crime punishable by death."

As liberal Jews, as Reform Jews, we must hold up our own signs—signs that counter these biblical passages with others, with eternal truths that are also in our bible such as, "Justice, justice shall you pursue" (Deuteronomy 16:20) and "All human beings are created in the image of God" (Genesis 1:27). Jews from as far back as the rabbis of the Talmud used their own wisdom and judgment to evolve the application of teachings found in the Bible. This interpretive approach should ring loud and clear for Reform Jews. One of the primary tenets of Reform Judaism is that certain elements of our religion necessarily evolve.

What does this mean for marriage? The dictionary defines marriage as "the state of being united to a person of the opposite sex as husband or wife." The Massachusetts Supreme Court has redefined marriage to be "the voluntary union of two persons as spouses, to the exclusion of all others." Marriage is, as the Massachusetts Supreme Court said, "an evolving paradigm." While some may argue that once you open the door to change all standards will slip away, this slippery slope logic is false. It is clear that within Western society and within Judaism, the institution of marriage has evolved over time, and laws have changed to reflect new values.

For instance, until the late 1960s, in some American states it was illegal for black adults to marry white people. And, for hundreds of years married women were defined as the property of their husbands, with few or no legal rights of their own.

Within the traditional Jewish wedding ceremony as well, called *Kiddushin*, a woman is acquired by her husband. The meaning of *Kiddushin* has evolved so that today, in a Reform context, it no longer means being setting aside for marital acquisition, but rather we define *Kiddushin* as holiness and say that husband and wife are sanctified to one another. When Micah and I got married last May, we took this evolution one step further. We chose to not use the *Kiddushin* paradigm

at all. Instead, we opted to do a new Jewish wedding ceremony created by Dr. Rachel Adler, called *Brit Ahuvim*—a Lovers' Covenant. Adler redefines marriage as a covenant between equal partners. We felt that her definition best represented the kind of relationship we were entering in to.

What I think it means to preserve the "sanctity of marriage" is to see marriage as an evolving institution, and one that at its core affirms a loving, faithful, and committed relationship between two human beings. A same-sex relationship of this kind is, in my mind, no less holy than a heterosexual one.

Leaving the synagogue for a moment, let us return to our original question - how does this translate into the secular sphere? What kind of language should we use to affirm gay and lesbian unions? For the more than 500,000 same-sex couples who, according to the 2000 census, are our fellow citizens in this country, this is a serious question. While civil unions and domestic partnership laws provide same-sex couples with some legal rights, they are denied significant federal protections and rights. Same-sex couples are not allowed to file joint income tax returns, or to share Social Security, health care, disability, and other benefits. They may not be able to have parenting rights and responsibilities for children who are brought into their family through birth or adoption.

However, so far, only two countries in the world, Belgium and the Netherlands, have given full legal status to same-sex unions, and Canada has backed the idea in principle. Most Americans remain uncomfortable with the idea of gay marriage, with 38 states having laws banning same-sex marriages.

The case for allowing gays and lesbians to marry is simple—it begins with equality. Why deny same-sex couples equal rights, when they deserve no less than the rest of us? Why not fully embrace more couples who are willing and ready to take on real and loving commitments?

Our friend has said it best. After waiting more than 16 hours in line, she concluded in her email, "So, this was our story. February 20th is our new 'state day'—it's not our anniversary (that's August 31st), but this is yet another wonderful day that we will celebrate. It was an adventure, momentous, historical, magical, and fun. And it really was powerful to know that we were and are part of such an important—perhaps the important—civil rights struggle of our day."