

Marriage Equality 2

Delivered on October 20, 2012 by Rabbi Aaron Krupnick

This morning I would like to conclude my two part Sermon Study on Marriage Equality that I started last week. As you may remember, I spoke about the evolutionary nature of Jewish Law. I want to be clear on this: While every legal system evolves over time, the halachic system evolves slowly and the burden of proof in Conservative Jewish law is on those who wish to reinterpret or innovate, not on those who want to hold to precedent. And yet, at the same time Rabbis in deciding how to implement Jewish law must understand the effect and impact that Jewish law has on their community. Jewish law not only binds us together as a community, it tells us what we stand for; the morals, values and ideals that hold us together. As I argued last week, morality should shape this evolutionary system of Jewish Law and a legal system that marginalizes observant Jews who are gay and lesbian is, to my mind, immoral.

As you may recall, I spoke about the need to reinterpret the verse from Leviticus that is at the core of the ban on intimate same sex relationships. You may wonder how an explicit verse of Torah that says one thing can be interpreted to say something quite the contrary. The truth is that this happens quite a bit. Sometimes laws are simply interpreted out of existence. Even though the Torah says to do so, we would not put someone to death for violating laws of Shabbat. (In fact most instances where the death penalty would be required have been legislated out of practice.) I also spoke about the need to understand the origin of Torah based laws. The history is very important. The study of Jewish law shows that sometimes, when the rationale for the law no longer applies, the law could and should be reinterpreted. Here are some examples: Let's consider the history of "An eye for an eye". The text seems straightforward: You break my leg, I get to break yours. But we don't follow that law today. Consider the history. This law was probably the Torah's way of making sure the punishment was commensurate with the crime. An eye for an eye was better than a "life for an eye." But, in time, the law was reinterpreted, even though the plain meaning is obvious, to emphasize restitution (loss of wages, pain and suffering etc.) rather than simple retribution.

The Ben Sorer U'Moreh is another good example. The laws of the Rebellious Son dictate that the child be brought to the court who would have the right to impose the death penalty. This actually protected the son from parents who could take the law into their own hands. For this reason, and others, the Rabbis restricted the applicability of the death penalty such that it could never really happen. The Sotah ritual may have originally been a way of making sure that a suspicious husband would not harm his wife. A public ritual overseen by a court made sure she did not simply "disappear." But once her protection was more certain this ritual was interpreted out of use. The rules stay in the Torah, but their practical implications change with the times.

So, likewise, the laws against homosexuality, originally designed to guide people back to heterosexual relationships were based on an understanding of homosexuality that no longer is true. As we spoke of last week, homosexuality is not a deviant behavior chosen at whim that is harmful and destructive to individuals and families. The need for

reinterpretation is fostered by the strong commitment to an observant Jewish life imbued with kiddusha that many gay and lesbian Jews already practice. Our goal as a community is not simply to validate them as Jews but to reiterate our core value that all of us were created, as it says in our parsha, “B’Tzelem Elohim”, “In the image of Gd.”

Guided by these principles, the Conservative Movement’s Committee on Jewish Law and Standards approved a position paper, albeit by a narrow margin, back in 2006 that urged recognition of same sex marriages and promised to, in due course, recommend ceremonies that would accord with Jewish Law. Well, earlier this year, two such ceremonies were published. I want to first speak briefly about what they look like, and then about whether we will be using them here at Beth El.

As I share some of the details, I remind you that these opinions are just that: Jewish legal opinions that Conservative Rabbis can use as the basis of their own decisions. These are not unilateral statements of either principle or practice for the Conservative Movement. It is up to me, as your Rabbi to decide how I want to guide our congregation. I will, however, state at the outset, that it is my desire to facilitate the union of same sex couples here at Beth El.

The most central question that the Law Committee addressed is whether same sex unions should be called “marriages.” They wrote that the nomenclature should be the same for both same sex and heterosexual couples and so they recommend that the ceremony and union that comes from it in fact be called “marriage.” However, there is a wide spectrum in terms of what such a marriage ceremony should look like. Some Rabbis, in response to the needs of their community, favor ceremonies that closely parallel the traditional Jewish wedding, using a chuppah, wine, rings and seven blessings of Sheva Berachot. It would only be in text that specifically refers to bride and groom that changes need be made. Others, however, and again, in response to the needs of their own community, favored ceremonies that varied greatly from the traditional ceremony. Both ceremonies involved the signing of a legal document and all agree that the traditional ketubah is not applicable, for reasons too complicated to spell out now. (But were spelled out when the sermon was delivered. Ed.) What unites the two ceremonies is an element of kiddusha, of sanctification of the union in the eyes of both Gd and Jewish community. (Details and outlines of the marriage ceremonies and contracts can be found in “Kolot: Voices of the Conservative Movement” magazine, Fall 2012 edition.)

So what comes next for Beth El? Well, it will be up to me, in consultation with Hazzan Pomerantz-Boro and Rabbi Arnov, to put together a ceremony that makes sense to me and that I believe that will be meaningful to our congregants. (And of course it will only be for our congregants and their families since the by-laws of our congregation prohibit my performing non-member weddings.) But before any decision about the implementation of such ceremonies can be reached, I will need the support of our Board of Trustees, and in the end, this will be a decision that we reach together.

None of these are decisions that are being entered into lightly, not by me, not by our congregation as represented by our Board, and most importantly by far, not by the couple

who is getting married. The Covenant of Loving Partners are marriages in the truest sense of the word in which each person is covenant bound to create a lasting relationship of lifelong mutual responsibility of fidelity and financial support to one another.

It seems only fitting to me that we speak of this topic on the Shabbat when we read about the very first couple. In the very first Torah portion Gd says “It is not good for a person to be alone.” And so Gd created “Ezer K’Negdo” – helpmates, loving partners who could share life’s journey together. And Gd blessed them even though (or perhaps precisely because) He knew that their journeys would be challenging. But Gd also knew that troubles that are shared are halved just as celebrations that are shared are doubled. I truly believe that if we, as a congregation, can bring loving couples together and help them to begin their life journey together, sanctified in the eyes of Gd and Jewish community, we too will be blessed.