

FEBRUARY 12, 1999

PARASHAT MISHPATIM

Shabbat Shalom. When the vote was taken in the Senate today, Fran and I didn't get to hear the results immediately. We were at MCC LA and at West Hollywood Park celebrating National Freedom to Marry Day. Happy National Freedom to Marry Day. I know the vote was no surprise, but it was even more anti-climactic than I expected given that our focus was on something so different. Something, in fact, that I'm angry at President Clinton about, for he has come out strongly against civil rights for married same gender couples. I certainly didn't want him impeached, didn't think he should be, as you've heard me say time and again over the last few weeks. But here's one last irony -- that his vote of freedom should come on National Freedom to Marry Day, a day of protest as well as celebration, a day that came into being in part because of Clinton's opposition to our right to marry.

Keep thinking about it, how ironic is it that President Clinton signed, endorsed, supported what's officially called "the Defense of Marriage Act" -- I continue to call it the "offensive marriage act." Imagine -- after all we know, everyone knows, all we wish we didn't know, about Bill Clinton, still the legality, legitimacy, "percs" of President Clinton's marriage remain intact, while our marriages and relationships continue to go without legal recognition. His marriage supposedly defends the institution of marriage? even as state after state continues to follow the federal government's lead by taking steps to insure that same gender marriages will never be legally recognized or granted any rights, let alone equal rights.

Our own state of California is currently confronting the Knight Initiative -- named for the state congressman who wrote it, not for the dark night it will bring to our state if it's passed. The Knight Initiative is an attempt to make certain that same gender couples will never have the rights, responsibilities and commitment of civil marriage. In the next year, we must all help to defeat this initiative. The LA City Council began to help us do so this week when they took a vote soundly condemning it.

Christopher Calhoun, the organizer of National Freedom to Marry Day and staff member at the Gay and Lesbian Center, told us this morning at West Hollywood Park that what Knight and his supporters want is for the law in California to make certain that in the eyes of the law, "you and your partner are no more than strangers to one another. You are not next of kin; in fact, you are not even related. . ." He continued, "Whether in relation to family leave, medical decision making in time of emergency, pension benefits, health insurance, joint custody,

foster care, and adoption, or inheritance -- in the absence of a will, the message in California is consistent. Your relationship does not exist. You are -- in the eyes of the law -- alone. . . .And that's what Knight and his allies want: they want us to be alone, they want us to be treated as if we have no meaningful connection to one another. They want to deter and discourage our relationships. "And they believe that we ARE alone even when we are together. They really believe that. I heard one of them recently compare our ability to form meaningful relationships to a blind person's ability to pilot an airplane." Thank you, Christopher Calhoun for heading this struggle.

I have to say that I can't help but wonder what all the fuss is about on our side of this issue. Why do we want civil marriage rights? Especially when the true meaning of marriage is so often degraded; all the sorry stories coming out of Washington, D.C. these days being only the latest in a never-ending series. After all, it as often costs more, not less, in taxes and the like for married couples. And what about the oppression of single people? Why should couples get benefits not available to singles; why should we support things that sometimes discriminate against people who are not in couples?

And then too there's the Jewish matter of marriage. The institution Jewishly has undeniably unsettling roots. There is no word really for "marriage" in Torah. A man "takes" a wife. The Mishnah, the first written attempt to interpret what Torah intended, begins the section (tractate) kiddushin, marriage, with the following sentences: "The woman is acquired by three means and she regains her freedom by two means. She is acquired by money, by document, or by sexual connection." [Mishnah Kiddushin 1:1] Nice, huh? Not even very much money, as it turns out; and if a woman is acquired by sexual connection it needs to be done with witnesses, thereby, so they say, making sexual connection the least common means of acquiring a wife. The least common by the time of the Mishnah, perhaps, which means anywhere between 440 BCE - 200 CE, but in Torah itself the way of "acquiring" a wife seems often to be sexual connectionintercourse, and in fact, the verb lakakh, to take, used about taking a wife, sometimes does clearly imply "taking" through sexual means.

And the word, "kiddushin," the post-biblical term for marriage, a term we tend to hold up on a pedastal in our struggle for recognition, because of its root meaning "sacred," "set apart," originally meant, as the Mishnah commentary I looked at this week makes all to clear, means with reference to marriage, "making a woman the sacrosanct possession -- the inviolable property -- of the husband" [Philip Blackman, ed. Judaica Press, Nashim, Kiddushin intro, p.449], and there is no question, as this week's Torah portion, Mishpatim, tells us, that in Torah times an Israelite man was always allowed more than wife. In Mishpatim, which means, rules, we are told several things about wives, one of which is that if a man takes another wife for himself, he must still provide the original wife with food, clothing, and one other thing. Unfortunately we don't know for sure what the other thing is, the Hebrew word, ona-tah, a word used only here and variously understood to

mean oil, dwelling-place, or conjugal rights! No one knows for sure what all the husband's obligation consists of, but whatever it is this is not marriage as we think of it, nor kiddushin as we describe it.

It's no surprise to us, though, that life and "rules" described in Torah have come to be understood differently through the years. That began as long as ago as in the Mishnah, which is why some people describe the rabbis of the Mishnah/Talmud as the first reform rabbis, and the liberal movements of Judaism see Judaism as continuing to change ever since, which is good and, finally, very Jewish.

Jewish understanding of marriage is no different in that regard. Marriage in contemporary Judaism has become an event of egalitarian beauty, spirituality, emotional uplift -- inspiring to couple and witnesses alike.

In these last few years, more changes still, as our community has come to marriage with new understanding. Tracy and I often think back to days when the idea of getting married was the farthest thing from our minds, nothing we wanted, nothing we thought twice about. "Marriage is just straight people registering with the state," one of our friends used to say. Hm, it still is, isn't it? -- but now we think that's sad instead of funny (well, ok, it's a little funny).

These days, though, we, like everyone else, become misty-eyed -- as all of us present this morning did when we met them -- when a couple like Ellie Charlton and Jeanne Barnett, Sacramento grandmothers, together for fifteen years, have a holy union ceremony. Last month, they made national news as they married before 1000 witnesses, at a ceremony officiated at by 95 United Methodist ministers all of whom put their careers on the line to be there after the governing body of their Church had ruled against same gender ceremonies. By the way, 94 of those 95 ministers have had complaints filed against them, the official way in the Methodist church to be brought up on charges. They all may be "impeached" or whatever the United Methodist Church term for such a thing is. The only minister no complaint has yet been filed against is the Reverend James Lawson from LA's Holman Methodist Church. Why not Rev. Lawson? Some say it's because he is about to retire. Some say it's because he is too well-known, and because both Dr. Martin Luther King, Jr. and the Rev. Jesse Jackson credited him with being their movement's "teacher of non-violence." In truth, someone may still file against Rev. Lawson.

Ellie and Jeanne are a remarkable, charming, unassuming couple. What they intended to be a small, private ceremony changed locations several times to accommodate all who wanted to come. It ended up being at the Sacramento Convention Center, the place where, a few months earlier, the United Methodist conference had outlawed their wedding.

Unlike most Jewish holidays, National Freedom to Marry Day is one of those

made-up holidays, not declared by God in the Torah. Like Pride Month and National Coming Out Day, we get to design it and celebrate it how we will. Like a lot of Jewish holidays, however, it only sometimes falls on Shabbat, which always changes the celebration a little. So this year, since it coincides with Shabbat, we'll put aside for discussion in a non-shabbat year, why they chose Abraham Lincoln's birthday, and two days before Valentine's Day, to be National Freedom to Marry Day -- if we really need to discuss those choices! Tonight its falling on Shabbat allows us to remember one other way that Judaism celebrates marriage: through the image of the Sabbath Bride, before whom we stand in welcome each week as we sing Lecha Dodi.

If you think about it's a very strange thing really, this image of Shabbat as bride, and Israel as groom. There are other traditional Jewish images of marriage that are also strange: Sometimes God is envisioned as a groom with Israel as the bride. Thus sometimes the men of Israel are brides (when they marry God) and sometimes the men of Israel are grooms (when they marry Shabbat. Hm, and the traditionalists are having trouble understanding our gender stuff? Have you heard the latest from Jerry Falwell, his rather late realization (late compared to the gay community's recognition) that there is something gender-ambiguously-odd, or maybe just quite gay, about that Teletubby character Tinky Winky. . . Anyway, we as the people Israel are sometimes brides and sometimes grooms. And not only that, all this imagery calls upon us to be partners in several marriages. Don't worry though, despite the metaphors, monogamy did eventually become a Jewish value.

And, after all (is said and done), Jews marrying Shabbat does seem a perfect metaphor, as does our marriage to God. For our relationships to Shabbat and to God are both described in terms of covenant, brit, sacred covenant no less, and that, after all, is what a marriage between two people ought to be as well. A sacred covenant, made in the sight of God and community -- a sacred covenant between two people who love one another, who freely take on the responsibilities and the obligations to be to one another faithful partners, lovers, friends, exclusive to each other, supported in their choice by their family and community, blessed in their couplehood by God.

May the day come soon when all will recognize the validity and the sacredness of such choices; may the day come soon when all will rejoice and celebrate all people who find true love. Shabbat Shalom.