

## Love and (Gay) Marriage

By Rabbi Kenneth Carr

Yom Kippur AM 5764/ October 6, 2003 Rabbi Kenneth Carr at Congregation Or Ami, Lafayette Hill Love and (gay) marriage

A friend wrote the following slightly edited narrative, using initials in place of names in order to hide identities:

“Last year, D., a close friend, lost a long struggle with breast cancer. As I watched my friend live and eventually die with this disease, I witnessed the amazing power of her marriage. At every stage of D.’s struggle, she and F. celebrated their love for one another. When D. was well, they took advantage of her health, wining and dining, singing together, hosting parties. When doctors worried that existing treatments would not save D., they took leaves of absence from their jobs, so they could travel to visit friends and family. When D. was no longer able to leave the house comfortably, they watched movies together. When they made the unbearable decision to end all treatment, they faced D.’s death absolutely united.

Towards the end, D. devoted much of her remaining energy to ensuring that F. would be okay after she died. She put her lawyer’s skills to work organizing her financial affairs so that F. would be able to stay in the house they had bought together. She reassured herself through individual conversations that her friends would look out for F. after her death. Two days before her death, she insisted on bringing her wheelchair to the computer, so that she could show F. some forgotten file that might be needed.

Eventually, D. was unable to walk and F. had to physically lift her into the wheelchair. Finally, even that became too painful, and F. had to nurse her in bed. The physical and emotional demands of this labor of love were astounding. F. scoured the markets for any food that might tempt D. to take a bite. F. massaged D.’s feet and arms, providing a soothing touch on a body that had become constantly racked with pain. At the very end, F. had to single-handedly lift D. from her bed and somehow help her to the toilet. Everything became slow and painful. F. joked that after rising at 6 a.m., they were lucky to get D. to the bathroom and settled back into bed by 9. Every task revealed the enormous love and dedication these two felt for one another.

In the end, D. died at home, in F.’s arms, cradled physically and emotionally by the marriage that had been her source of strength and solace during her long struggle. Yet, afterwards, F., was not allowed to sign the paperwork for the funeral arrangements. The papers had to be signed by the closest living relative, and legally, D. and F. were not married. Although they were



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united in a religious ceremony, the state did not recognize their wedding, because D. and F., Deborah and Françoise, were a lesbian couple.” (Deb Sabin)

From the time that a child is young, the parents start to imagine the wedding. When a Jewish baby is entered into the covenant, either through a *brit milah* or a naming ceremony, we express the hope that the child will enter “Torah, chupah, u-ma-asim tovim; a life of study, marriage, and good deeds.” Children fantasize about what their wedding will be like. We know of ill grandparents who want to live long enough to dance at their grandchild’s wedding. It risks severe understatement to say that a wedding is one of the most joyous moments in the life of any person, any couple, any family. It is a celebration we all look forward to, a simchah we all dream about. And yet, in America, if a child turns out to be homosexual, that dream must remain unfulfilled.

In recent months, the issue of homosexuality and gay marriage has risen to the surface of our society. Every week, it seems, another political or editorial wrinkle develops. In April, Senator Santorum famously declared that condoning homosexual acts would start us on a slippery slope towards incest, bigamy, and bestiality. A constitutional amendment defining marriage as between one man and one woman was introduced in the US House of Representatives in May. In June, the US Supreme Court overturned a Texas law prohibiting sodomy between homosexuals. The Massachusetts Supreme Judicial Court is currently considering whether to legalize same-sex weddings. And President Bush has declared that he believes marriage is between a man and a woman, and that we ought to codify that position in some way. Religious institutions and leaders have weighed in as well. According to the Philadelphia Inquirer, religious groups assailed the Supreme Court’s sodomy decision. In August, the Episcopal Church approved its first openly gay bishop, threatening to split the movement. The Vatican has called on all Catholic lawmakers to oppose the legalization of same-sex marriage. And last month, the Lafayette Hill Journal published a column by Reverend Lacey of Conshohocken, in which he argued that the Bible states unambiguously that homosexuality is morally wrong. He also suggested that Jews would agree with his unequivocal assessment.

I suspect that Reverend Lacey is in the majority; I suspect that most people think that the Bible’s prohibition against homosexuality is obvious. This sense comes primarily from Chapter 18 of Leviticus, which is the traditional Torah reading for Yom Kippur afternoon. The root text which grounds all religious opposition to homosexuality is verse 22, which reads: “Do not lie with a male as one lies with a woman; it is a *to-eivah*, an abhorrence.” This prohibition is essentially repeated in Leviticus 20:13, where we read: “If a man lies with a male as one lies with a woman, the two of them have done a *to-eivah*, an abhorrent thing.” The language is strong and apparently clear; we can understand why Reverend Lacey and others would read this text as a blanket condemnation of homosexuality. However, accepting this text at face value would be a deeply flawed method of understanding Judaism, reflecting no history of



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interpretation or commentary from the past two thousand years. In Jewish thought, Torah text represents the starting point of the conversation, not the last word. Although some Jews do claim Judaism opposes homosexuality, it is not as straightforward as simply quoting the verse from Leviticus. As Rabbi Elliot Dorff writes, “the rabbis of the Talmud and Midrash themselves often employed techniques that interpreted the text contrary to its plain meaning, narrowed its meaning, or interpreted it completely out of existence.” (Life and Death, p.141) Likewise for contemporary Jews, who freely challenge and question so many other areas of the Torah; we need to dig deeper in this context as well. We cannot disregard sections about priestly purity and stoning sinners, only to become, suddenly, fundamentalist in this one case. We need to re-examine this text too with contemporary eyes, and see how it holds up in our best understanding of Jewish tradition and modern life.

Let me share with you a large selection from a Central Conference of American Rabbis responsum from 1996, which addresses the Biblical characterization of homosexuality as abhorrent:

“It no longer makes sense to look upon homosexuality as a *to’evah*. That very term has become ambiguous given our religious world-view and our habits of speaking. The Torah, for example, labels three categories of actions as ‘abominations’: idolatry (Deuteronomy 17:4), the eating of forbidden animal species (Deuteronomy 14:3), and the sexual prohibitions of Leviticus 18 and 20. What these sins share in common is decidedly not the fact that they violate what we would call the ‘moral law.’ Rather, they transgress against the biblical boundaries of holiness which are meant to distinguish Israel from the other nations. These are acts, in other words, which are not necessarily ‘immoral’ but Jewishly inappropriate.

The problems with this concept for contemporary Reform Jews are therefore obvious. We as a movement have long since done away with the dietary laws as an obligatory element of our religious practice. Although many Reform Jews observe kashrut or avoid the biblically-prohibited species, we surely do not say that those in our community who eat these foods are committing an ‘abomination’... We continue, of course, to abhor many of the sexual unions proscribed in Leviticus 18 and 20, but we do so not so much because the Torah finds them abhorrent but because we see them as violations of our most cherished moral standards. We condemn incest, for example, because it inherently involves an abusive relationship between family members of unequal status and power; it is an act that is destructive of the healthy personality, one which inflicts deep emotional and psychological damage that might never be healed. We oppose adultery on the grounds that an adulterous act is a transgression against trust and moral commitment between wives and husbands. Even when a spouse knowingly tolerates the adultery of his or her partner, we oppose such behavior as destructive of the family unit.



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But while ‘abhorrence’ may be a proper reaction toward many of the forbidden sexual unions, it does not apply to the case of homosexuality, for the issues cited in the sources as rationales for the prohibition fail to strike us as convincing on moral grounds. This is especially true in that we, unlike our ancestors, are aware of the possibility of committed, stable, monogamous, and loving relationships between members of the same gender. This structure of human life, which parallels the institution of heterosexual marriage, does not produce moral evil; it neither abuses nor betrays the innocent.”

This responsum, then, seeks to understand the Biblical context of the word “abhorrence.” Since we no longer consider other similarly-described actions like eating unkosher food to be abhorrent, we should likewise not consider homosexuality abhorrent. What we do still consider abhorrent are sexual relationships that are abusive violations of trust, but homosexual relationships are no more inherently abusive or harmful than are heterosexual relationships, and so should not be forbidden on these grounds either. The textual basis for prohibiting homosexuality is thus undermined. When Reverend Lacey and others claim that the Bible clearly condemns homosexuality, they misrepresent the Jewish understanding of the issue.

There are, additionally, non-textual religious reasons for a more liberal view toward homosexuality. Rabbi Dorff, who is a Conservative Rabbi, describes contemporary research showing homosexuality to be not a choice but an orientation from birth. If that is the case, he argues, then there are no Jewish grounds for considering homosexual behavior to be punishable, because we are only held liable for actions we choose to do. If we are compelled to behave in a certain way, then there is no crime. Instead, Jewish tradition takes our instincts, which motivate our behavior, and urges us to channel them into healthy directions. Just as the compulsion to eat is not punished, but is instead managed through laws of kashrut and the obligation to say blessings for our food, and just as the sexual compulsion in heterosexuals is not forbidden but is instead restricted to certain people, so too, according to Rabbi Dorff, “the proper reading of Jewish law should be that homosexual acts, like heterosexual ones, must be regulated such that some of them are sanctified and others delegitimated.” (Life and Death, p.147) Judaism does not try to prohibit what we cannot ignore. Rather, as in all of life, it helps us to express our urges in meaningful and holy ways. In the same way that heterosexual relationships are made meaningful and holy by being celebrated and sanctified through marriage, so too should homosexual relationships be able to be consecrated with religious ceremonies as well as civil ones. In my opinion, religious objections to same sex marriage are insupportable.

Opponents of homosexual marriage raise two other objections that are much more easily dismissed. They say that the purpose of marriage is to provide a structure for procreation and proper childrearing. Because a homosexual couple can not have biological children together, there is no purpose to them getting married. To this comment there are three straightforward



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answers. First, many heterosexual couples get married without having children. Think of senior citizens, or couples who discover that they are infertile, or couples who simply don't want children. Second, a homosexual couple could decide to have a child together by means of reproductive assistance such as artificial insemination, and the stability of a married home will be a better environment for that child. Third, homosexuals are perfectly capable of being devoted, loving, and responsible adoptive parents too, providing a nurturing home for children in need of families.

The final main objection to same sex marriage is that it would threaten the traditional family. A coalition of opponents to homosexual marriage have proclaimed "Marriage Protection Week" for mid-October. I must admit that I do not fully understand this point. Families in today's world face many different threats: a deteriorating economy, overprogrammed children, parents who grow apart, kids who don't respect authority. But it's hard for me to see how an increase in the number of strong, healthy, loving couples presents any sort of threat to another family. My marriage would not be endangered by someone else's marrying a partner of the same sex, nor would my children's future marriage be at risk should the possibility of a same sex marriage exist. On the contrary: the more positive examples there are of committed families of any gender, the better the models are for the rest of society. How wonderful it would be if every couple treated each other with the same loving care as D. and F., Deborah and Françoise.

When I was young, I had a very close relationship with my cousin. She was only five months younger than I, so we became playmates and co-conspirators. We grew to be the best of friends, transcending blood relations to develop a real emotional connection. As we aged, we became confidants, sharing in each other's romantic misadventures through high school and going to college together. I will always remember one particular conversation we had in a diner near her dorm. She had called me to come meet her there. When I walked in, she said there was something important she wanted to talk about with me. "What's his name?" I asked. She smiled nervously and replied, "There's no he." A few years after my cousin Deborah came out to me in that restaurant, she met and fell in love with Françoise, her spouse, her partner in life, and her support in death.

Some of you may be wondering why I chose to speak about this particular topic today. Beyond the obvious connection to the traditional Torah reading for Yom Kippur afternoon, this morning's Torah portion reminds us that on Yom Kippur, we are given the choice between life and death. I believe that this issue is a matter of life and death. For the refusal of our government to sanction same-sex weddings is a proxy for how our society treats homosexuals in general. In our culture, gay and lesbian men and women are unable to live freely and openly, and so the way we relate to homosexuals leads to metaphoric death. A death of the self, from needing to hide one's true identity out of fear for how other people will respond; even as close as we were, my cousin was worried about how I would react when she came out to me. A death



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of the spirit, from always worrying about the danger of hate crimes, physical violence, or other hostility; just as Jews are constantly sensitive to antisemitic attacks, so gays and lesbians must remain on the lookout for homophobia. A death of the heart, from having the most significant relationship in one's life ignored; several gay clergy colleagues report enduring the indignity of receiving B'nai Mitzvah and wedding invitations addressed either to them alone, or to them "plus guest," even though their relationships have lasted longer than many heterosexual marriages. And, yes, literal death as well, not only because of violent homophobic attacks like that on Matthew Shepard, but also because homosexual teens are at increased risk for suicide, out of fear of family or community response, an inability to tolerate the bullying at school any more, or self-loathing conditioned by a society that has consistently dehumanized homosexuals. And so we must choose between life and death. Which will it be for us? Will we enable homosexuals to live in the open, fully accepting and celebrating and sanctifying their relationships, or will we continue to sentence them to death in the closet?

This afternoon, we, along with other Reform Jews around the country, will read from the Torah the well-known "Holiness Code," from Chapter 19 of Leviticus, as an alternative to the sexual prohibitions of Chapter 18. This section is, both literally and figuratively, the central section of the Torah. Not only does it come from the middle portion of the middle book of the Torah, but it also contains the essence of our mandate for how to live. The reading begins: "*K'doshim tih'yu*; you shall be holy," and then continues with a list of commandments for our behavior that help us to be holy. Perhaps the best known of these verses is verse 18: "*V'ahavta l'rei-acha kamocha*; love your neighbor as yourself." Maimonides taught that this verse means: "Whatever you want for yourself, you should also want for your neighbor." For ourselves, for our children, for our friends, we want the opportunity to stand before God and our community and consecrate our relationship, receiving the civil benefits that come with a marriage: why should our government deny that same sanction to a couple just because they happen to be the same sex? This is why the struggle for same-sex marriage is so important: because it affirms that homosexuals are people too, created in God's image, as entitled as every other American to claim the promise of life, liberty, and the pursuit of happiness.

For this reason, I have officiated and will continue to officiate at same sex Jewish weddings. In this decision, I have the support of the Central Conference of American Rabbis, which passed a resolution three years ago affirming the right of homosexual couples to have their relationships sanctified through Jewish rituals. For now, such ceremonies have only religious status and not civil status, but I hope and believe that someday they will be recognized, accepted, and celebrated by the state as well. We can help to make that day come. When we read articles in the newspaper concerning same-sex marriage, we should voice our support. When we hear our senators or other elected representatives making ridiculous comments that denigrate the love and commitment of these couples, we should correct them. When we learn that Congress is preparing to vote on meanspirited laws that would deny homosexuals not only the right to



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marry but also the legal, financial, and medical benefits of marriage, we should advocate against them. When we meet homosexual people in our own community and our own congregation, we should emphasize that Or Ami will remain an open, welcoming, and comfortable home for all types of families, brooking no intolerance or discrimination. And when we hear people misusing religion to justify homophobia and prejudice, we should stand up for the truths that Judaism teaches: that all people are created in the image of God and as such are worthy of respect; that all people have the right to form a stable, loving, monogamous, committed relationship with the partner of their choice; that all such families are entitled to the rights and privileges of marriage that our government offers; and that these families are not abominations but blessings and role models to the rest of society. May God help us to value and to learn from all our families, older and younger, heterosexual and homosexual, with children and without children, keeping them loving and strong and safe in the year to come. Amen.

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