

**Our Vision of Society Requires A "No" Vote on the Marriage Amendment
Or
"Love Thy Neighbor as Thyself"**

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Let me begin my making several separated but connected statements:

First, I am really thrilled that the Times-Dispatch agrees with what I am about to say!

Second, the time-frame allotted to a sermon is much too short to do this topic justice.

Third, using the Rabbinic idiom, I will try in this limited context to "thread an elephant through the eye of a needle."

Introduction

My subject tonight is perhaps one of the most important issues on the national social and religious agenda, the proposed Marshall/Newman Amendment to the Virginia Constitution, in short, the Marriage Amendment. This is the third time this season that I am addressing this subject. We had a panel discussion here two months, my bulletin article that just appeared, and this sermon. I state unequivocally that from the perspective of our Conservative Judaism as currently formulated, we should vote "No" on this proposal. I say that mindful that Judaism, as a religious movement is based on our sacred texts, namely, Torah, the whole Bible - Tanakh, and the two thousand year scope of Rabbinic texts. We cannot cavalierly dismiss them or ignore them. They challenge us and we challenge the texts to speak to us. The dialectic creates tension. Tension can be good and it can be bad. It can also be a creative force. We live in a time of tension. Whether it will be good, bad or creative, in part will be determined next week.

I. While until the French Revolution virtually all of world Jewry was governed for the most part exclusively by Jewish law, from that time onwards with roots in earlier history, Judaism accepted the concept of civil law. It is called Dina d'malchuta dina - the law of the land is the law. This legal realm extends over all people, disregarding any other qualifying differences. It does not have to operate nor reflect Jewish religious - legal postures.

While there may be a Judeo-Christian ethic, and I hold that as a very open question, if there is, then it is exceedingly broad-stroked and does not have to reflect neither Judaism nor Christianity on any given issue. Suffice it to say that Judaism's definitions - in the plural - of marriage are one thing. Over that our Movement is engaged in an arduous discussion.

The governing body in the Conservative Movement is the Rabbinical Assembly's Committee on Jewish Law and Standards. This winter it will probably issue several responsa papers. They will most likely give voice to both sides of the issue. That is a religious discussion and debate. But there is a secular, civil domain. That one that must respect and reflect everyone - native born and naturalized citizens, old and young, of all religions and of none, bi-sexual, heterosexual, homosexual, and transsexual there is no dispute. All are equal and entitled to all of the opportunities of life, liberty and the pursuit of happiness. That is why this amendment is absolutely wrong. We may discuss whether or not to use the language of marriage. Inside Judaism the argumentation is whether to use the word kiddushin. There are real pro's and con's. The positions reflect the differing visions of norms for society. They even question the notion that there are such things as norms. But what cannot be questioned is that people of the same sex do enter into monogamous, committed and devoted relationships. Civil law should respect, reflect and accommodate these people of our society. The Constitution is a civil document and should not be brought to heel under the pressures of the religious right wings of any faith community.

Civil, secular law is the common ground beneath us all. Destroy it and you destroy us all.

II. The realm of civil law also encompasses those heterosexuals who share life together but, for whatever reason, do wish to undergo neither religious nor civil ceremonies to sanctify it. I regret that because ceremonies, rites and rituals represent ultimate commitment. It creates real obligations. It bestows ultimate privileges. Nevertheless, I respect their right to live the way they want. This proposal potentially has significant consequences in issues such as end of life decisions, domestic violence of which I spoke last Shabbat, health coverage, wills and trusts. Instead of locking down the situation, this proposal will unlock a flood of litigation; create havoc, uncertainty and insecurity in lives of so many heterosexuals, who supposedly were not the target. Read cumulatively, this proposal puts the good housekeeping seal of approval on only one version of relationships, married heterosexuals. America is just not like that. We are as varied as the colors of the rainbow. And law must acknowledge that. This proposal is

derogatory, demeaning and discriminating. We as Jews understand those words perfectly.

III. Judaism, from the Torah onwards, certainly does see the world through the prism of heterosexuality as the norm. That itself is a lecture and not a sermon. And yet, our religious texts embody teachings that teach values that have a wider scope. In the first account of creation in the book of Genesis, read two weeks ago, it says that "God created man in His image, in the image of God created He him; male and female created He them." The rules of Hebrew language required this to be couched in the masculine, even though it refers to all human beings. It recognizes that the human being can be either masculine or feminine. Regardless of any other qualifying condition such as race, religion, ethnicity, gender or creed, Judaism views every human being as being created in 'God's image.' This unique phrase means that there resides in each of us a spark of holiness. God planted that equally in each of us. What we do with that spark is up to us. But God put it there and no one can take it away.

This approach to humanity informs us of Judaism's approach, certainly as articulated by Conservative Judaism, towards homosexual men and women. Even if the broad vision of society prescribes heterosexuality it does not diminish our respect to homosexuals, and our recognition of their rightful place in the expanse of our collective society. That is why this amendment is absolutely wrong.

IV. Lastly I wish to indicate that the Conservative Movement through identical resolutions passed by the Rabbinical Assembly in May, 1990 and by the United Synagogue in November, 1991 states the following:

Rabbinical Assembly Convention - May, 1990

GAY AND LESBIAN JEWS

Whereas Judaism affirms that the Divine image reflected by every human being must always be cherished and affirmed, and

Whereas Jews have always been sensitive to the impact of official and unofficial prejudice and discrimination, wherever directed, and

Whereas gay and lesbian Jews have experienced not only the constant threats of physical violence and homophobic rejection, but also the pains of anti-Semitism known to all Jews and, additionally, a sense of painful

alienation from our own religious institutions, and

Whereas the extended families of gay and lesbian Jews are often members of our congregations who live with concerns for the safety, health and well-being of their children, and

Whereas the AIDS crisis has deeply exacerbated the anxiety and suffering of this community of Jews who need in their lives the compassionate concern and support mandated by Jewish tradition,

THEREFORE BE IT RESOLVED that we, The Rabbinical Assembly, while affirming our tradition's prescription for heterosexuality,

- 1) Support full civil equality for gays and lesbians in our national life, and
- 2) Deplore the violence against gays and lesbians in our society, and
- 3) Reiterate that, as are all Jews, gay men and lesbians are welcome as members in our congregations, and
- 4) Call upon our synagogues and the arms of our movement to increase our awareness, understanding and concern for our fellow Jews who are gay and lesbian.

United Synagogue of Conservative Judaism Resolution - November, 1991

GAY AND LESBIAN JEWS

WHEREAS, Judaism affirms that the divine image reflected by every human being must always be cherished and affirmed; and

WHEREAS, Jews have always been sensitive to the impact of official and unofficial prejudice and discrimination, wherever directed; and

WHEREAS, gay and lesbian Jews have experienced not only the constant threats of physical violence and homophobic rejection, but also the pains of anti-Semitism known to all Jews and, additionally, a sense of painful alienation from our own religious institutions; and

WHEREAS, the extended families of gay and lesbian Jews are often members of our congregations who live with concern for the safety, health and well-being of their children, siblings and other relatives; and

NOW, THEREFORE, BE IT RESOLVED that UNITED SYNAGOGUE OF AMERICA, while affirming the Jewish tradition's prescription for heterosexuality:

- (a) supports full civil equality for gays and lesbians in national life;
- (b) deplores the violence against gays and lesbians in the general society; and
- (c) reiterates that, as are all Jews, gay men and lesbians included, are welcome as members in affiliated congregations.

And in 2003 the United Synagogue of Conservative Judaism adopted a Resolution which provides in pertinent part:

The USCJ views the application of equality as a standard which cannot be eroded by any other determinant, race, religion or history. Our Faith Members are not unfamiliar with discrimination and worse....we will reject it, however garbed and rationalized, will fight for equality and will be determined in our stance by genuine equality, neither discrimination per se nor discrimination garbed in the dress of double standards.

Religious definitions and standards are the propriety of the individual faith communities. But the common ground of civil, secular law must be secure for all.

Conclusion

I am sure that this will not be the last sermon that I will write on the subject. The subject is complex psychologically, physiologically, legally, socially besides religiously. From religion's perspective we seek to discern what God wants from us, to understand how God wants us to live, how should we be? Yet whatever we are, tall or short, young or old, whatever color, whichever sex, poor or rich, healthy or ill, we reflect God's image however, whenever and wherever we are. There is a spark of the eternal in each of us. That belief supersedes all else.

For these reasons the proposed Marshall/Newman Amendment is so terribly wrong. I ask that you join me in voting against it.

May we always remember that all of us are Children of God reflecting His image.

May we respect that in ourselves.

May we respect it in others.

Shabbat Shalom.