

Marriage

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A man enters a monastery. Each person can say 2 words every 7 years. After seven years, the man appears before the monestary elders and says, "Room cold." Another seven years go by and the man appears before the elders and says, "Food bad." After another seven years, he tells the elders "Good bye," to which they reply, "That's fine with us. All you've done since the moment you got here is complain." ☺

Typically the rabbi doesn't speak at Beth El on Kol Nidrei – I'm grateful to our President, Rachel Galanter, and I'm grateful to you for giving me much more than two words every seven years, and for listening to a second reflection tonight. I wanted to talk tonight because what I want to discuss is important. It is deserving of reflection on Kol Nidrei when as close to our whole community as possible is gathered together: marriage.

Marriage in the Jewish tradition has a few different names but the most common is *kiddushin*, from the root *kadosh*, commonly translated as holy, or set aside for an elevated purpose. *Kiddushin* is the act of two people setting themselves aside from the rest of the world, for each other, for an elevated purpose. You might think that elevated purpose is just having children, but it's not. According to the Talmud, couples too old to procreate are not prohibited from being married. Rashi's grandson, Rabbeinu Tam, permits relations with a barren woman for the purposes of physical and emotional pleasure and Abudraham, the 14th century commentator of Jewish liturgy, states that the reason that no blessing for children is recited at a Jewish wedding is that couples incapable of bearing children merit the full 7 blessings of the Jewish wedding ceremony. The sacred purpose of Jewish marriage then is not merely the biological imperative to procreate but also includes the emotional intimacy and growth that occur when one human being commits one's life to the well-being of another.

The Bible, especially the first few chapters of Genesis, is full of etiologies, a fancy word for stories that tell you about origins, about where things come from. For the Torah, the etiology of marriage is the verse – "It is not good for a person to be alone" לֹא-טוֹב הָיְתָה הָאָדָם לְבַדּוֹ – the phrase on your cards tonight. God creates Adam, the first person – not a man and not a woman, just a person – and says, it is not *tov* for a human being to be alone. A human being should exist in relationship, and so God begins by creating a partner, Eve. Too many people read that word *tov* as a moral word, as if the Torah is saying that a person who is alone is doing something not good, wrong. How many times have I sat with people in my office or in the lobby who have looked at me and told me that, as single people in the Jewish community, they feel less than? That the goal that organized Jewish life seems to have for single people is to marry them off, and that until they are married they are somehow a flaw waiting to be made right. That is not what the word *tov* means in this context.

God creates light and it was *tov*. God puts the waters in one place and the land in another and saw that it was *tov*. God creates and when God creates, God decrees these things to be "*tov*" because they are whole; they are complete. When God says it is not *tov* for a person

to be alone, the Torah is saying that a fundamental part of being a human being is connection to other people. As the Biblical Scholar, Nahum Sarna, writes in the Jewish Publication Society commentary: “The idea here is that man is recognized to be a social being. Celibacy is undesirable.” Put another way: A whole individual is an oxymoron. The Jewish model for piety is not a hermit, not a mystic on a mountain top, or even a very pious unmarried single person. We are whole, we are *tov* when we are in relationship with an “other” or others. We find this wholeness through friendship, through community, through family, through what happens here at Beth El. One of the deepest realizations of this wholeness, of how we grow our soul into a fuller human being, is found through the intimacy of romantic love and commitment to nurturing another soul: that is the beginning of marriage.

God tries to make Adam an *ezer k'negdo* – a “helper challenger” – by pairing Adam with one of the animals but it doesn't work, so God forms a 2nd human being who is “bone of my bones, flesh of my flesh” and then the Torah declares, “Therefore a man leaves his mother and father and clings to his wife.” This is where marriage comes from, traditional, heterosexual marriage. In rabbinic terms, there is a *reisha* – an initial premise – that it is not good for human beings to be alone, and a *seifa* – an end conclusion – a man marries a woman. For thousands of years, heterosexual marriage was the one *seifa* – the one end conclusion – to the *reisha*, that it is not *tov* for a human being to be alone. For centuries, our tradition cultivated a belief that there is one person out there, our *bashert*, waiting for us. However romantic such an idea might be, our too rigid notions around marriage have a darker side.

A few years ago I wrote a bulletin article against the idea of “*bashert*.” For some, a rabbi speaking out against “*bashert*” was like being against Shabbat or keeping kosher, but I really mean it. I don't believe in *bashert*. I looked it up. One definition read: “a person's soul mate, considered as predestined or ideal.” Who could be against that? Don't get me wrong: to believe the heavens conspired to bring two people together is romantic. But too often, believing in *bashert* isn't romantic, it's painful. First, if you believe a person has one soul mate, what does it say to a widow? That your life is over because your one *bashert* is gone? To believe in one's *bashert* risks trapping a widow into years of loneliness rather than opening up possibilities of new companionship and an unforeseen, but beautiful, future. To a single person who wants to be married, *bashert* says they must somehow be undeserving of God's love, that God was either too busy to find them a soulmate or that their loneliness is a result of some secret sin. And to people who are struggling with their marriage, or have gotten divorce, does *bashert* mean that their marriage up until that point was just somehow against God's plan? That the children who were born from their marriage, that the life they built together, that the love they felt under the chuppah, that all of it was a misreading of God's plan for their lives? As if the pain of divorce wasn't enough, *bashert* compounds that pain by robbing a couple of their past even as they struggle to move forward into an unknown future. And, what about someone in an abusive marriage? Does *bashert* mean you should stay, God forbid, because once you get married, the person who you are married to constitutes an eternally predestined ideal?

My friend and colleague, Rabbi Perry Netter wrote a book called, *Divorce is a Mitzvah*, a provocative title if there ever was one. His point is that while divorce is tragic, the fact that the Torah itself prescribes a method for divorce (see Deuteronomy 24:1) means that divorce can

sometimes be a holy path one must follow. But his point is larger than just divorce. Unlike the notion of *bashert*, Jewish life offers many possible paths to companionship, not one. Some are ones we hope for. Others are a path we would never have chosen, but in which we can continue to find love and renewal. The Torah's path is not locked into finding holy companionship with one, and only one, person. So says Jeremiah, "Adonai's lovingkindnesses never cease, compassions are never exhausted. They are new every morning; how great is your faithfulness" (Lamentations 3:22).

Which brings me to the heart of what I want to discuss with you tonight: the question of Jewish gay and lesbian marriage. Many of you were here, some of you were not, when I interviewed to be the rabbi of Beth El four and a half years ago. I was asked then by the teens about Judaism and homosexuality, and by others whether I would officiate at a gay marriage. There are ways I wish I had answered that question differently. I gave technical answers that don't reflect the compassion and love I feel. I apologize to the people who were hurt by my answers and ask your forgiveness tonight.

I know now that of all the candidates, I was the only one who did not say unequivocally that I would perform a gay marriage. Why would I not make that promise? What I said then, and still believe today, is something that I spoke about a few weeks ago on Shabbat: that the Torah does not just exist in the ark, or on the black and white pages of ancient books, but rather that the fullest and most authentic expression of Torah exists in relationship between two human faces. Look up there – in our stained glass windows you can see a representation of the ark. Jewish tradition tells us God's voice emanated from between the two cherubim who looked at each other, face to face. A rabbi of a community is called a *Mara d'atra*, an expression that literally means "the master of the place." It means that a rabbi's authority, his or her ability to engage in a conversation about the meaning of the Jewish tradition is tied to a particular place, a particular community, to the faces and souls and stories of real people before whom the rabbi is accountable and from whom he or she cannot hide. We hear God's voice emanate from between two faces because the Torah is not cold and technical; God's loving presence emerges in the context of real people and real life, asking and answering holy questions. Four and a half years ago, I refused to say unequivocally, "Yes, I will perform a gay marriage ceremony," because I was not yet here. Some people in the community were left to wonder what my unwillingness to answer meant, but the community trusted in me. I am grateful for your trust. I did not know you. You did not know me. I'm grateful we know each other better now. The time has come to answer and my answer is "yes."

Why is my answer, "yes"? One important reason is bound up with my ordination as a Conservative rabbi, my membership in the Rabbinical Assembly, the international organization of Conservative rabbis, and my reliance upon the authority of the Committee on Jewish Law and Standards (CJLS), a committee that sets halakhic – or Jewish legal – policy for Rabbinical Assembly rabbis and for the Conservative movement as a whole. The question of gay marriage and the ordination of gays as rabbis was first asked of the CJLS in 1990 and, while the movement – myself of course included – has always supported full civil equality for the GLBT community, the answer in 1992 was no. Rabbi Joel Roth, a creative jurist who, years before, was seen as liberal when he authored a teshuva that ultimately permitted the admission of women into rabbinical school, could find no way in his teshuva, even though he wanted to, to

override what he understood to be an explicit Torah prohibition against homosexual relationships. Years passed, conversations continued until, in 2006, the CJLS passed two conflicting teshuvot / response, one by Rabbi Roth that ultimately reiterated the continued impermissibility of homosexual relations as an authentic interpretation of Jewish tradition and a second by Rabbis Elliot Dorff, Danny Nevins and Avram Reisner that opened the door to admitting GLBT students to rabbinical schools and permitting RA rabbis to perform gay marriages. How can two opposing positions be simultaneously true? The committee's action is based upon the Talmud (Eruvin 13b) thousands of years before when a voice from God declares about the opposing arguments of Hillel and Shammai – “these and these are the words of the living God.” Both responsa approved by the committee are a true and authentic interpretation of the Jewish tradition and the committee permits each congregational rabbi and rabbinical school to decide which responsum to adopt and hence set its own policy on the subject. Some rabbis moved forward in performing gay marriages in 2006 through ceremonies they created; it was not until two years ago in 2012 that the committee also adopted and approved ceremonies for these weddings.

The teshuvot – all available on the internet for those who are interested – are serious and complex analyses of Jewish legal sources spanning two thousand years of Jewish tradition. Roth's 1992 teshuva is 68 pages – small writing, single spaced. His 2006 revisiting of the topic numbers another 34 pages. The teshuva by Rabbis Dorff, Nevins and Reisner numbers 36 pages and includes citations and analysis from scientific as well as Talmudic sources. I cannot relate all of the arguments tonight but the crux of the argument can be summed up as follows: Rabbis Dorff, Nevins and Reisner demonstrated how the Jewish legal concept of *kavod ha'briyot*, the honor due to all human beings, has, in the past, overridden rabbinic and even Torah prohibitions, and that it should do so in this case as well. Put another way: basic considerations of human dignity mandate that the Torah must provide a path to sanctify the love of gay and lesbian Jews.

Rabbi Steve Greenberg is a gay Orthodox rabbi. Before he came out of the closet, he wrote under a pseudonym – “Ya'akov L'vado” meaning “Jacob is alone,” a quotation from when Jacob wrestles with the angel, alone, at night.” What is the effect continuing to uphold the Jewish tradition's longstanding rejection of homosexual behavior? Rabbi Greenberg explains:

[T]he standard Orthodox position is to require celibacy...the homosexual is asked to live a loveless life. I have lived portions of my adult life as a celibate clergyman. While it can have spiritual potency for a Moses or a Ben Azzai, who abandoned sexual life for God or Torah, it is not a Jewish way to live. Always sleeping alone, in a cold bed, without touch, without the daily physical interplay of lives morning and night—this celibate scenario is life-denying and, for me, has always led to a shrinking of spirit. What sort of Torah, what voice of God would demand celibacy from all gay people? Such a reading of divine intent is nothing short of cruel...

Last fall, I met with two men in our community, one of whom is Jewish, the other of whom, his fiancé, is not, but who is interested in studying with me to convert. When he

completes his conversion, “we’d like you to marry us,” they said. There it was. The question had been asked. Not in theory. Not as an issue. Not in cold, technical language, but by two people sitting before me who are committed to the Jewish tradition. One who wants to convert, another who is a committed and knowledgeable member of our community. They looked into my eyes. They wanted to know what does the Torah say to our love? Do you believe and practice a Torah of cruelty? Or is a Torah of cruelty oxymoronic? Must we choose, they were asking, between, on the one hand, our love for the Torah and the Jewish people, and, on the other hand, our love for one another? No, you need not choose. You can love Torah, and you can love one another. When the time comes, I will perform their marriage and marriages of other gay and lesbian Jews who want to stand under the chuppah with me.

The chuppah (wedding canopy) is open on all sides not only because it teaches us about the importance of an open home but because marriage is something that should be open to every human being because “it is not *toiv* for a human being to be alone.” A single person need not get married to find completeness – marriage remains open but in its absence our community must be a place in which each person can give and receive love, care and connection. When a Jew and a non-Jew fall in love, Jewish marriage is never closed. Conversion is always available to the non-Jewish partner. I am grateful for the respect that the non-Jewish partner demonstrates for the Jewish tradition by choosing not to “just convert.” Sure it would be easier, more convenient, but the person who is not Jewish who marries someone Jewish respects their own traditions, respects him/herself and respects the Jewish tradition I know and love too much to do something so important with anything but the utmost authenticity and integrity. The doorway to the Jewish people and to a Jewish marriage remains open, always available and welcoming for the moment when it is right not for me, not for Jewish demographics, not for their partner, but for him or her and God to walk through. Until that time, I am grateful for your presence in our community, for so many of you who trust in our tradition and choose to help raise Jewish children, and for so many of you who find wisdom in Jewish traditions and texts. You are welcome here as fellow travelers today and always.

But someone who is gay or lesbian cannot choose heterosexual love. In 1999, a collection of letters to and from the Orthodox Israeli philosopher, Yeshayahu Leibowitz was published. One of them was from a man from a Hasidic family who were survivors of the Shoah:

From my earliest sentient days – and even before I could define it for myself – I have been attracted to men, a fact that has caused me much physical and spiritual agony throughout my studies at Yeshivah and my residence in its dormitory. My dilemma is: how can the Jewish faith be reconciled with homosexuality? From what I know of your approach, I expect that you will tell me the homosexual urge must be trumped by the overriding value of the service of God. There’s the rub: for me, this is an essential imprint on my life in general, and on family life and its associated obligations in particular...in my humble opinion, we have not yet understood the essence of this problem, and that is due to the fear that dealing with the issue inspires, and because of the ignorance that necessarily affects those who have not yet experienced this.

Leibovitz's response was, in my opinion cruel, nearly obscene in fact. "[I]f you are concerned about Judaism," he writes, "and ask how it can be reconciled with homosexuality, the answer is clear, unambiguous, and unequivocal: the reconciliation is impossible." In a p.s. to his response, Leibovitz even counsels the man of a terrible suggestion of the Sages from the Babylonian Talmud (Hagigah 16a): "Should a man feel that his urges are irresistible, let him go to a place where he is not recognized, let him go incognito by wearing black clothes and by wrapping him in a black shawl, and do what he feels he needs to do, and so not profane the name of God publicly." To me, it is Leibovitz's suggestion that profanes God's name.

Rabbis Dorff, Nevins and Reisner find precedent in the Jewish tradition to set aside even a Torah law. By opening the door to Jewish marriage, they preserve the honor and dignity due to each human being rather than exiling religiously observant gay Jews either to live in divinely mandated celibacy or to flout the Torah they so cherish. Let me share with you another text that was shared with me in this context by a friend and colleague, Rabbi Adam Kligfeld of Temple Beth Am in Los Angeles. We all know the story of the golden calf. Moses sees the people committing idolatry, gets angry, and breaks the tablets. That's the story in the Torah. But in Avot De Rebbe Natan, the rabbis tell a different story. They say Moses is coming down the mountain, sees the people committing idolatry and looks at the tablets, specifically, commandment #2: thou shalt not commit idolatry. At that moment, Moses reasons, "If I give them these tablets – which technically I haven't yet done (and therefore they are not yet obligated to) – then God will have to break them. I'd rather break the tablets instead." And later, the midrash says, "Moses only broke the tablets because he was told to by God as it is written, "mouth to mouth I speak with [Moshe]," mouth to mouth I said to Moshe, 'Break the tablets.'"

Breaking the law can save the law. Legal theorists know this as a judge who writes a new opinion becomes what Robert Cover called "part of the bridge that links the official vision of the Constitution with the reality of people in jail." But this is not just about saving the law. God, says this midrash, told Moshe, "Break the law. Don't break people." Torah should not break people.

We know Yom Kippur is a rehearsal of our deaths. We put on a kittel, a burial shroud. We don't eat. We don't drink. We don't shower. We let our bodies decay. But in the Hasidic tradition, Yom Kippur is not primarily a rehearsal of death. It is a marriage. Yes, today, we confess our sins, but the story of Yom Kippur, the essence of Yom Kippur is that today we are forgiven. Today, 10 days after Rosh Hashanah, 10 days and 7 weeks after Tisha B'Av when God and the Jewish people felt so far away, today is the day when the distance from God finally closes. It is a day of intimacy, a day of love, a wedding day. It is not *tov* for a person to be alone. Today is a טוב יום / a good day. Today we come together. We set ourselves apart for an elevated, a sanctified purpose, to be a community, a good, a whole community in which no one is broken because in our brokenness and our love, we find wholeness and peace. L'Shana Tova.