

## THE JEWISH CASE FOR EQUAL MARRIAGE – Rabbi Elizabeth Tikvah Sarah

Marriage is an historical institution that has changed over time. In addition, the meaning and the content of 'marriage' varies according to its particular religious, cultural, ethnic, geographical, economic and political settings. The evidence from the Hebrew Bible suggests that Jewish marriage began in the form of the acquisition of a young virgin by a man from her father (Deuteronomy 22:13-28). Later, as the early rabbinic sages examined the legal texts of the Bible over two thousand years ago, they brought these together with the theological perspective of the biblical Creation narratives and the romantic-love lyricism of the biblical book, The Song of Songs, in their task of creating the rules and rituals of Jewish marriage (Babylonian Talmud, *Kiddushin*).

Nevertheless, there was a central thread of continuity between biblical and rabbinic conceptions of marriage. The basic assumption that it was heterosexual and gave priority to the groom, who 'acquired' his bride, did not change, and in the Orthodox Jewish community this understanding of marriage has remained to this day.

And yet, when the early rabbis commented on the biblical verses that prohibit one man lying with another (Leviticus 18:22 and 20:13), bringing the notion of sex between women into the picture, they explained that the people Israel were prohibited from following the 'laws' of other societies where 'a man would *marry (nosei)* a man and a woman would *marry* a woman (*Sifra Acharey Mot* 9:8). So, the original rationale for outlawing same-sex sexual acts was to set the Jewish people apart from other nations. In other words, the impetus for the prohibition was directly connected to the socio-political circumstances in which the Hebrews found themselves in ancient times.

However, the Bible contains other teachings, which run counter to assumptions about the primacy of heterosexuality, patriarchy and human divisions. Crucially, Genesis chapter 1, verse 27 states that God created *ha-adam*, 'the human being', *zachar u'n'keivah*, 'male and female', *b'tzelem Elohim*, 'in the image of God.' In other words, *each and every human being is an image of God*. It is this particular insight, combined with other Jewish teachings about justice and equity that inform Liberal Judaism's support for same-sex marriage, both civil and religious.

In the course of the past 200 years, humanity has been learning through social upheaval and political struggle hard lessons about the essential equality of all human beings first articulated in the Bible. In response to the insistent demands of the oppressed and the call of human conscience, the slave trade has been abolished, the system of colonial domination dismantled, civil rights extended to minorities, and relationships between men and women transformed in many parts of the globe.

As the 1948 Universal Declaration of Human Rights put it: 'All human beings are born free and equal...' (Article 1). The essential equality of all human beings has important implications. *All human beings: irrespective of gender, sexual orientation, race, ethnicity, culture, religion; irrespective of differences in power and material worth between nations and peoples; irrespective of the particular attributes of any particular human being – their intelligence, physical stature, mental or physical ability or disability; irrespective of whether they belong to a majority or a minority group.*

The case for equal marriage rests in the existential equality of all human beings and the rights of each and every human being and each and every couple to equal treatment. Equal marriage for lesbian and gay couples who choose to marry, is essential because, above all, it enables lesbian and gay people to inhabit the public space on exactly the same terms as everybody else and receive public acknowledgement.

## THE JEWISH CASE FOR EQUAL MARRIAGE – Rabbi Elizabeth Tikvah Sarah

We are all the same – we are all different. When lesbian and gay couples get ‘married’, they don’t stop being lesbians and gay men. Lesbians and gay men are re-defining ‘marriage’ for themselves, making it in their own image. And when they do this, they are actually part of a much broader phenomenon. One of the consequences of the transformation of gender roles during the last quarter of the twentieth century was that heterosexual marriages began to change. In fact, in a sense, the differences between heterosexual marriages today and those which pre-date feminism are as great as the differences which differentiate heterosexual from lesbian and gay partnerships. Indeed, the differences have become so immense that one could argue that many heterosexual ‘marriages’ today no longer ‘fit’ neatly into the concept of marriage promulgated to date by religious institutions and the state. It is in this evolving context that lesbian and gay couples are laying claim to marriage on equal terms.

On a personal note, I have campaigned for equal marriage since 1996 (see my book, *Trouble-Making Judaism*, David Paul, 2012). I participated in the Liberal Judaism Rabbinic Conference Working Party on Lesbian and Gay Jews and Same-Sex Relationships, established in 2000, which led to the adoption of a new LJ policy on same-sex commitment ceremonies and the creation of a liturgy, *Covenant of Love*, which was published in 2005 at the time that the Civil Partnership law came into force. Following our civil partnership, my partner, Jess Wood\* and I, celebrated our Jewish wedding in our synagogue, Brighton and Hove Progressive, on March 26, 2006. I am proud that since that time, Liberal Judaism has participated in the campaign for Equal Marriage. As Jess and I look forward to signing our civil marriage certificate, I also look forward to conducting same-sex marriages in my synagogue.

Rabbi Elizabeth Tikvah Sarah

Brighton and Hove Progressive Synagogue

May 2013

\*Jess Wood, Director of Allsorts, was awarded an MBE in the 2012 New Year’s Honours List, for her services to lesbian, gay, bisexual and transgender young people.