

**Parashat Masey**  
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Last January, I breathed a sigh of relief. The new domestic partnership law went into effect in the state of California, giving senior citizen and same-gender couples a range of state rights nearly equal to the rights given married couples in California.

In so doing, California became second only to Massachusetts in seeking to extend the civil rights of its residents, and many members of the Los Angeles Jewish community, myself included, knew we finally had the legal protections in place that are so critically important to the security of our families.

Then, last week, the California attorney general approved petition language for a ballot measure that would amend the California Constitution to repeal and permanently ban those vital new protections. The brief and frightening summary of the proposed measure, which will easily garner the nearly 1 million signatures required to put it on the ballot in 2006, calls to amend:

“The California Constitution to provide that only marriage between one man and one woman is valid or recognized in California, whether contracted in this state or elsewhere. Voids and restricts registered domestic partner rights and obligations, for certain same-sex and heterosexual couples, in areas such as: ownership and transfer of property, inheritance, adoption, medical decisions, child custody and child support, health and death benefits, insurance benefits, hospital visitation, employment benefits, and recovery for wrongful death other tort remedies.”

In this week's Torah portion, God and Moses modify the inheritance rights they had recently given to Zelophehad's daughters – Mahla, Tirzah, Hoglah, Milcah and Noa – who, having no brothers, petitioned successfully to inherit their father's property (“And God said to Moses, ‘Zelophehad's daughters speak right.’” Numbers 27:7).

This week, at the end of the Book of Numbers, the uncles of these women complain that if their brother's daughters were to marry outside their tribe, then the tribe would lose the legacy that belongs to it.

This time Moses speaks for God, saying, “The tribe of the sons of Joseph speaks right,” and he amends the earlier law by requiring Zelophehad's daughters to marry into the family of their father's tribe. They do so, marrying their uncles' sons, and in so doing ironically pass along their inheritance to the families who would have inherited it originally if the sisters had not spoken up.

Whatever the biblical base for it, most Jews these days don't expect to enter arranged

marriages. With interfaith marriage rates continuing to grow, fewer and fewer Jews are observing any Jewish constraints on their freedom to marry, and would be rightly outraged if any state or federal government tried to interfere with their legal and civil right to marry.

Even American Jews who favor Jewish marriage over interfaith would not likely deny any interfaith couple the civil right to marry. And yet, the people proposing or supporting this new constitutional amendment would make certain that thousands of their peers never have such rights and, moreover, would strip them of important civil rights already duly conferred by California law. Like the brothers of Zelophehad, they stand for their privilege, and willingly put restrictions on the lives of other people.

What motivates a drive to amend a constitution now dedicated to fairness and equality into one that recreates a true second-class citizenry? How do these proponents benefit? Just as race laws did in America, such proposals galvanize emotionally motivated and fear-based voters into a firm voter base for leaders with other economic and power agendas. We need only look at the long history of anti-Semitism to remind ourselves that we've seen all this before.

This last Torah portion in the Book of Numbers concerns itself largely with the establishment and maintenance of boundaries as the Israelites prepare to move into the land of Canaan after their 40 years in the wilderness. God-given geographic boundaries, inheritance rights, appointment (not election) of leaders, provision for the establishment of sanctuary cities (six cities are needed in order to protect the lives of people who kill unintentionally, lest they be killed by avengers) – all contribute to a rather rigid atmosphere.

For a people who has lived in the wilderness and moved 42 times in 40 years (Rashi on Numbers 33), knowing as they do that Moses – their leader for all 40 years – is about to die, we can perhaps understand the desire (even God feels it) to get everything firmly in place as the Israelites prepare for entry into the Promised Land. But in our day, *cui bono* – to whose advantage is it to deny or remove (or even propose removing) rights from certain citizens? In our day, what's our excuse?

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