

Rabbi Lisa Edwards
 BCC, Nov. 12, 1999
Parashat Toledot
"No Knight in Shining Armor"

An e-mail was forwarded to me this week, part of which I want to share with you. I have changed the names, and the people in this story did not live in Los Angeles.

I It was sent to the World Congress of Gay/Lesbian/Bisexual Jewish Organizations. It begins:

My partner Jack died of AIDS on October 15, 1999. He was 34 and he died 2 months after he found out he had AIDS. He did not leave any burial instructions except to be buried next to his father which now, unfortunately, is impossible, [for] his mother had him cremated against my wishes. I did not have any legal rights as to how he was to be buried. I took off work the whole [2 months Jack was sick], and I took care of him 24 hours a day at the hospital and then later at home. Words cannot describe how much I loved him. Jack was Jewish. I am not Jewish and I know very little about Judaism. Yesterday, for the first time, I found out a little information on Judaism; especially how it relates to death and mourning. Much to my dismay and shock I found out about cremation and religious services following someone's death.

Now, I am not making excuses. It has taken a lot of courage and effort to find you and write this message.

I did not have any legal rights or say on Jack's burial. If I did, I promise you, I never would have cremated him, ever. All I know is I loved him very much and I want to do right by him. He did not have any religious service and I believe he should. If possible I would like him to have a Jewish service of some kind, any kind. My question for your organization is this-- Is there any thing that can be done for Jack, my partner? Please, if anything can be done for him please help me. Is there any kind of religious service that can be performed ?

I thank you for listening and for any help you can give me.

Sincerely, Ted.

In the midst of her own sudden grief, Jack's mother probably did what she thought best, maybe she did what she'd want for herself. In the meantime, her decision has led to an increase in Ted's grief, tortured as he now is not only by the sudden loss of his beloved, and not only by his own lack of rights in the situation, but also by his new feelings of guilt now that he knows cremation goes against not just Jack's wishes but against Jewish tradition. I will try to help Ted create a service to help him feel he "did right by" Jack.

I wonder, though, what would have happened had Ted and Jack been allowed to legally marry. In such a case, of course, there would have been no more likelihood that Ted and his mother-in-law would have agreed about what to do when Jack died. We all know in-laws who don't get along with one another; who, instead of embracing one another, especially at times of crisis and grief, argue and disagree and exacerbate their own and each others' pain and sorrow and anger. Legal marriage does not guarantee the creation of loving families.

We need only look to this week's Torah portion to remind ourselves of that sad fact. At age forty, we're told in Parashat Toledot, Esau married, and his choice of whom to marry, the Torah tells us, brought marot ruach, "a bitterness of spirit" to Esau's parents, Isaac and Rebecca, [Gen. 26:34-35]. Rebecca even said to her husband, "I loathe my life because of" [Esau's choice of wives]; if Jacob

[their other son] were to take [such a wife] . . . then lamah li chayim? Then "why should I live?" [27:46]. It is a bit extreme, I realize, but I'm sure we all know of similar family dynamics.

Some commentators even say that Esau's parents' bitterness over his choice of wives, helped lead his parents to give Jacob his father's "special" blessing, instead of Esau.² If we have any doubt about the agony such family politics and trading of love could inflict we have only to read Esau's heart-rending response when his father tells him the blessing went to Jacob: The Torah tells us: "When Esau heard his father's words, he burst into wild and bitter sobbing. . . ." Esau said to his father: 'Have you only one blessing, Father? Bless me, me also, Father!' And Esau lifted up his voice and wept." [27:34,38]

Let me read you an excerpt from another letter:

"Three years ago, I told my father I was gay and that I have a life partner, Joe. From that moment on, my relationship with my father was over. I can't begin to explain the hurt that has come from this rejection. "My father didn't always feel this way about me. When I was at the Air Force Academy, or when he was speaking at my pilot training graduation, or when I was returning from the Gulf War, where I flew fighters for my country, my father was very proud of me. His love for and pride in me, I assume, was because I was his son. I am the same son today. . . ."

"My father seems to want things to remain as he has always known things to be--without change. He can't seem to understand that we as a society are growing and allowing more people the opportunity to share in the ultimate dream of happiness. We are expressing our own family values based on the same basic principles that he so fervently protects.

"My father's idea of family values is very different from mine. He insists his are right and mine are wrong. I'm deeply sorry that my father feels that he can no longer be a part of my life. I miss him."

Does anyone know who wrote that letter? [David Knight, son of State Senator Pete Knight, author of the Knight Initiative, proposition 22, which I hope we'll all be voting against on the upcoming March 7, 2000 ballot. DAVID Knight's letter appeared on the editorial page of the Los Angeles Times this past October 14 [1999].

The wording of the Knight Initiative is deceptively simple: "Only marriage between a man and a woman is valid or recognized in California."

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If you doubt that the Knight Initiative is divisive of families or intrusive into people's private lives,

think again.

This week marks the 61st anniversary of Krystallnacht -- a government-organized pogrom against the Jews that took place throughout Germany in 1938 [November 9]. On Krystallnacht Jews were beaten, raped and murdered, Jewish shop windows were smashed, synagogues were burned. Many Jewish businesses and holdings were expropriated. It was a night that startled awake many Jews in Germany, shattering not only their windows, but their heretofore protective walls of denial and disbelief. Imagine the fear, the panic, the sense of helplessness when they discovered not only that their government could allow such a thing to happen, but that it had organized it. [facts from Jewish People, Jewish Thought by Robert Seltzer, NY: MacMillan, 1980, p.665] Historians and survivors of Krystallnacht often agree that the event was a turning point. Until that week in November it was possible for Jews to remain somewhat calm, to keep quiet despite the slow ebbing away of their civil rights. Until that week, it was still possible to say to themselves, "we're good, loyal citizens of Germany. The government won't let anything happen to us.

"It's sad to me that California, once a leader in offering marriage rights to its citizens, has become a testing ground for exclusion and the unfair removal of rights. Fifty-one years ago, in 1948 the California Supreme Court recognized that

"the essence of the right to marry [is] the freedom to join in marriage with the person of one's choice."

That statement is quoted from the California Supreme Court's landmark decision striking down a state's restrictions on interracial marriage. It was however, a close call, only a 4-3 decision on the part of the state Supreme Court justices. And it took another 19 years before the United States Supreme Court [in 1967] declared race discrimination in marriage illegal throughout the United States.

The Knight Initiative is worded with deceptive simplicity to state something that already appears to be law in California. Tonight we have with us as guests, activists in the No on Knight Campaign. The materials they will give us to take home will show you that this initiative is anything but simple. The purpose of the Knight Initiative is to keep us from having the civil rights other citizens of this state enjoy. It will also be used to try to remove some of the recent gains we've made. Such gains as domestic partner benefits or adoption (perhaps you were with us last week when we celebrated the State of California's official LEGAL recognition of something we've all known for two years now -- that our Shoshannah has two mothers). The Knight Initiative seeks to keep in place the likelihood that others of us will suffer added burdens, as our new friend Ted is suffering now, because we will have no legal rights should our beloved partners fall ill or die. Christopher Calhoun, a staff member at the LA Gay and Lesbian Center and an organizer of West Hollywood's celebration of National Freedom to Marry Day last February, told us then what Knight and his supporters want. What they want, Calhoun said, is for the law in California to make certain that in the eyes of the law, "you and your partner are no more than strangers to one another. You are not next of kin; in fact, you are not even related. . . ." He continued, "Whether in relation to family leave, medical decision making in time of emergency, pension benefits, health insurance, joint custody, foster care, and adoption, or inheritance -- in the absence of a will, the message in California is consistent. Your relationship does not exist. You are -- in the eyes of the law -- alone. . . . And that's what Knight and his allies want: they want us to be alone, they want us to be treated as if we have no meaningful connection to one another. They want to deter and discourage our relationships."

If you doubt that the Knight Initiative is divisive, dividing families, remember the letter that Senator Knight's own son DAVID chose to make public throughout California and beyond:

"My father . . . can't seem to understand that we as a society are growing and allowing more people the opportunity to share in the ultimate dream of happiness. We are expressing our own family values based on the same basic principles that he so fervently protects."

If you think the Knight Initiative is not divisive of families and friends, consider the public debate already arising in the Jewish community over the Knight Initiative. Pick up a copy of today's Jewish Journal on your way out tonight. In it you'll find an article about this topic. The UAHC and the Pacific Association of Reform Rabbis by the way, have already said NO to KNIGHT, as has the Reconstructionist movement, but several Orthodox groups are supporting it. This initiative is dividing our Jewish communities even more than they already are

When we study the Shoah and say never again or never forget, it must be all of it. Not only the final devastating explosions like Krystallnacht or the death camps, but also the slow build-up to those moments -- the denial, the desire to avoid conflict, the blind trust in government or the inability to imagine that hate or prejudice or ignorance could triumph. Even in Los Angeles at the end of the 20th century, where we often feel so safe, we've seen how fragile our safety is. Let's not be complacent when our rights are being threatened.

Sigh. Lest you fear I've forgotten that tonight is Shabbat, I have not. Nor have I forgotten that at its heart one of the things this whole discussion is about is what marriage really is, and why we're so wound up about it. As I've noted before when we've talked about the freedom to marry (or lack thereof), Shabbat allows us to remember some of the ways that Judaism celebrates marriage -- through the image of the Sabbath Bride, before whom we stand in welcome each week as we sing Lecha Dodi.

It's kind of a strange thing, don't you think, this image of Shabbat as bride, making the people Israel the groom (or perhaps we should say, making Israel "the other bride")? There are other traditional Jewish images of marriage that are also strange: Sometimes God is envisioned as a groom with Israel as the bride. Thus sometimes the men of Israel are brides (when they marry God) and sometimes the women of Israel are grooms (when they marry Shabbat). Hm, and the traditionalists are having trouble understanding our gender stuff?

Anyway, we as the people Israel are sometimes brides and sometimes grooms. And not only that, all this imagery calls upon us to be partners in several marriages.

After all is said and done, Jews marrying Shabbat does seem a perfect metaphor, as does our marriage to God. For our relationships to Shabbat and to God are both described in terms of covenant, brit, sacred covenant no less, and that, after all, is what a marriage between two people ought to be as well. A sacred covenant, made in the sight of God and community -- a sacred covenant between two people who love one another, who freely take on the responsibilities and the obligations to be to one another faithful partners, lovers, friends, supported in their choice by their family and community, blessed in their couplehood by God.

We see it happen often here in our sheltered little BCC community. Let's take what we've learned here to the rest of the world. Help us, then, won't you, not just by your own votes but by talking to everyone you know, everyone you meet. Let's work together to make sure that the limited thinkers don't win out; let's work together for the security and safety, the basic rights of everyone. SHABBAT SHALOM

1 I have slightly edited the letter to make it easier to understand. I have not changed content

2 See JPS Torah Commentary: Genesis, notes on p 189, 195, 196. Among other points mentioned there, editor Nahum Sarna notes that Esau, in marrying two Hittite women, has committed a threefold offense [notice that polygamy is not an offense]. "breaking with social convention by contracting the marriage himself rather than leaving the initiative to his parents, abandoning the established practice of endogamy by marrying outside the kinship group, and violating the honor of his clan by intermarrying with the native women" [Ibid., p 189, "Esau's Hittite Wives"].