

**An Historic Moment:  
Reflections upon the President’s Comments on Same-Sex Marriage**

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It’s been about a week and a half now, since the President spoke these words, in an interview which many have described as an historical moment: “I’ve stood on the side of broader equality for the L.G.B.T. community,” he said. “And I had hesitated on gay marriage—in part, because I thought civil unions would be sufficient. That that was something that would give people hospital visitation rights and other elements that we take for granted. And I was sensitive to the fact that for a lot of people, you know, the word marriage [is] something that evokes very powerful traditions, religious beliefs, and so forth. ... I’ve just concluded that, for me personally, it is important for me to go ahead and affirm that I think same-sex couples should be able to get married. ...

“When I meet gay and lesbian couples, when I meet same-sex couples, and I see how caring they are, how much love they have in their hearts, how they’re taking care of their kids. When I hear from them the pain they feel that somehow they are still considered less than full citizens when it comes to their legal rights—then, for me, I think it just has tipped the scales in that direction.”

President Obama’s statement in support of same-sex marriage was an historic moment. Not for the sensationalist reasons some would have us deduce. [See *Newsweek*’s 5/21/12 cover: “The First Gay President”. You know, were that that were true – were that he were the first black, gay, Jewish, female president. Someday.]

But it was an historic moment indeed. Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, summed up three key reasons in his statement on behalf of our movement:

First, the President’s affirmation brought us one step closer “to the day when all loving, adult couples, gay and straight alike, will have their marriages recognized by the government. ... And in the interim, [it was] an important expression of solidarity with same-sex couples, who wish to have their marriages recognized.”

Second, it was also “an important expression of solidarity for LGBT teens, who deserve [to have and feel] the support of their government.” “The President’s statement reaffirmed the fundamental equality of LGBT Americans, and made self-acceptance, coming out, and the

ability to believe in a better future that much easier for millions of lesbian, gay, bisexual, and transgender teenagers.”

And third, yes, there is joy in the Reform Movement because the President’s statement echoes that for which we have been advocating for decades. “We are inspired by our faith and history to stand up for the rights of LGBT Americans, including [the right to] civil marriage, for we have known the experience of being victims of group hatred, persecution, and discrimination. We feel a keen empathy for those who are still being victimized, deprived of opportunities, and discriminated against because of who they are.”

In Genesis 1:27, we are taught: “And God created humans in God’s own image, in the image of God, God created them; male and female God created them.” All human beings are therefore created *b’tselem Elohim* (in the Divine Image) and, “regardless of context, discrimination against any person arising from apathy, insensitivity, ignorance, fear, or hatred is inconsistent with this fundamental belief. We oppose [and must oppose] discrimination against all individuals, including gays, lesbians, and bisexuals, for the stamp of the Divine is present in each and every one of us.” And to deny LGBT Americans the right to civil marriage—the right to full marriage rights, beyond the mere legal arrangements of a civil union—is indeed a glaring act of discrimination that does not allow their loving, committed relationships to achieve the same stature as that of other American citizens.

This was the crux of the President’s statement: Civil unions are not enough. “Civil marriage [as opposed to civil unions] has historically connoted social acceptance and the recognition of not just a legal relationship between two individuals, but as the Supreme Court has recognized [in *Maynard v. Hill*], ‘the most important relation in life’; it is ‘a coming together for better or for worse, hopefully enduring, and intimate **to the degree of being sacred**’, [as was ruled in *Griswold v. Connecticut*]. These rights are due no less to same sex couples than heterosexual ones, as the President so significantly acknowledged.

**“To the degree of being sacred”** – what a perfect way to capture civil marriage. Only within individual faith communities can religious marriage ever be determined. It is up to each religion, each denomination, and within some denominations (like our own) each synagogue or church and its religious leaders to define the sacred. We each not only define which relationships might be called sacred, but how they are to be sanctified and what that very sacredness means. But up to that point, the ability of two people to pledge themselves devotedly to one another is a civil matter, and a right that has been a hallmark of our democratic nation.

As a religious leader, I am never compelled to perform any marriage ceremony to which I feel I cannot give my blessing. I can decline on the basis of religious beliefs and the understanding of my particular role as rabbi – and I have, for instance, when a couple once told me they wanted a

Jewish wedding ceremony, but were planning to raise a Christian family. As I understand a Jewish wedding not as an isolated lifecycle event, but rather as a joyous beginning on the journey toward establishing a Jewish home, I had to refer that couple elsewhere. It's also worth noting that I could decline for far more trivial reasons. But the most important protection afforded by our reality of civil marriage is my right to say "yes!" to those couples for whom I can and wish to officiate. If our government will recognize the civil marriages of same-sex couples, no one who is religiously opposed would ever be obligated to officiate; but neither would those of us who see no obstacle to our officiation be made to decline.

Within the Reform movement, there is open and wide-ranging difference of opinion with regard to officiation at same-sex wedding ceremonies. I felt deeply honored to be asked to officiate at the Jewish wedding of two women in our congregation this past fall. While I changed words of the service here and there as gender dictated—allowing for the loving declarations of two brides, as opposed to bride and groom—I did not alter or replace any of the core liturgy. I firmly believe that the sanctity of Jewish marriage is defined by the Jewish values two individuals pledge to uphold with one another, regardless of their gender. However, I have colleagues, whom I greatly respect, who after their own serious study and reflection have come to different conclusions and do not feel that they can officiate. Yet all of us came together in 2000, when the Central Conference of American Rabbis made history by becoming the first major group of North American clergy, as an organization, to give its support to those in our ranks who wish to perform same-gender ceremonies. The resolution we passed supports the decision of individual rabbis to officiate, even as others will *not* officiate, at same-gender ceremonies.

So, yes, the Reform movement is particularly pleased to know that the President's comments affirm what our religious community holds as its view in allowing for the possibility of same-sex marriage. Yet one does not need to share the religious views of Reform Judaism, or Unitarian Universalism, or any other of the so-called "liberal" religious denominations to realize the great value and importance of President Obama's statement. Consider the reaction Reverend Joe Darby—whom many of us have come to know and admire through our congregations' mutual involvement in celebrating the life and works of Dr. Martin Luther King, Jr.—who shared the following "prayerful pastoral thoughts" with his church this past Sunday:

"Those thoughts begin," he wrote, "with the reality that the African Methodist Episcopal Church does not endorse same sex marriage because there is no Scriptural support for same sex marriage. My ordination can be revoked if I perform a same sex marriage or allow the church to be used for a same sex wedding. ...

"My thoughts are tempered by my awareness that not every citizen of the United States of America embraces my Theology, that all Christians don't agree on matters of faith and order, and that the United States of America is not a Theocracy, but a representative democracy that:

- embraces ‘...life, liberty and the pursuit of happiness’ in our Declaration of Independence,
- operates at its best on the principle of equal justice under the law, and,
- constitutionally mandates the separation of church and state.

“President Obama did not ‘dictate’ how people of faith should define marriage. He’s not ‘Reverend’ or ‘Rabbi’ or ‘Imam’ Obama, but ‘President’ Obama who is bound by virtue of his office to pursue civil rights and equal justice under the law for all citizens.”

While Reverend Darby and I each represent distinct and, in this case, disparate religious communities, I agree with his conclusions wholeheartedly. And in this way—the precise way by which President Obama voiced his support for *civil* marriage, allowing citizens of this nation to continue to hold our individual and differing views of *religious* marriage—his comments were not just an historic milestone on the journey toward civil equality, but an equally important affirmation of our nation’s fundamental commitment to the separation of church and state.

We need only look to a different nation, in which there is no allowance for civil marriage, to realize the alternative. In Israel, due to legislation that dates back to 1953, orthodox rabbinical courts have a monopoly in matters related to marriage and divorce. As a result, neither yours truly, nor any other non-Orthodox rabbi—male or female, American or Israeli—can perform a marriage ceremony in Israel. As Rabbi Micky Boyden, Director of the Rabbinical Court of the Israel Council of Progressive Rabbis, writes: “Many Israelis would like to see this brought to an end, including the many thousands of couples who are forced to marry in civil ceremonies overseas each year in order to avoid having to deal with the orthodox authorities.” The new coalition government in Israel might help to bring us closer to this dream; time will tell. In the meantime, we continue to work toward a separation of church and state in Israel with regard to this key issue, and we applaud the continued diligence in maintaining and modeling that separation here in the U.S.

The Reform movement enthusiastically welcomes President Obama’s support of same-sex marriage as a civil right in this country. Liberal Judaism has long been committed to the pursuit of social justice for all individuals and a strong advocate for LGBT rights in particular. It’s a commitment which stems not only from our understanding of Jewish values, but our commitment to the democratic principles of this nation, as well. As Rabbi Israel Freidlander wrote around the turn of the 20<sup>th</sup> century: “We envision a community ... enjoying life, liberty, and the pursuit of happiness—true life, not mere breathing space; full liberty, not mere elbow room; real happiness, not mere survival.” May future generations record the President’s advocacy of marriage equality for *all* couples as an historic moment indeed—one which proved to be a key advancement in the progress of civil rights, one which helped to solidify the

protection of the separation of church and state, and one which affirmed our commitment to democracy and social justice for all in our nation. And, if you're so inclined, I invite you to say: Amen.