

Mount Hollywood United Church of Christ – Los Angeles
Fourth Sunday of Advent – December 18, 2016 – LOVE
Rev. Anne G. Cohen, Minister

Matthew 1:18-25

For Reflection

Although anti-miscegenation amendments were proposed in United States Congress in 1871, 1912–1913 and 1928, a nationwide law against racially mixed marriages was never enacted. Prior to the California Supreme Court's ruling in *Perez v. Sharp* (1948), no court in the United States had ever struck down a ban on interracial marriage. In 1967, the United States Supreme Court unanimously ruled in *Loving v. Virginia* that anti-miscegenation laws are unconstitutional, relying partially on *Perez*. With this ruling, these laws were no longer in effect in the remaining 16 states that at the time still enforced them. However, the active repeal of the laws was not complete until Alabama did so in 2000 after failing to do so in several earlier referendums on the matter. At the time, nearly 526,000 people voted against the repeal.

~ https://en.wikipedia.org/wiki/Anti-miscegenation_laws_in_the_United_States

The Legalities of Love

The Fourth Sunday in Advent is traditionally on the theme of Love. And our text today describes a peculiar kind of love. Let me try to explain.

18 Now the birth of Jesus the Messiah took place in this way. When his mother Mary had been engaged to Joseph, but before they lived together, she was found to be with child from the Holy Spirit.

In other words, before Jesus' mom was married, she got pregnant. In ancient cultures, this would have been the death of her reputation and the end of any chances of some man marrying her. She might even have been stoned to death for such an egregious sin.

19 Her husband Joseph, being a righteous man and unwilling to expose her to public disgrace, planned to dismiss her quietly.

It is interesting that the text says "her husband" referring to her fiancé – though this may be more of a translation issue. But notice that he had every right to shame her in public – and chose not to. He wasn't going to marry her – but he also wasn't going to harm her further. This is an extraordinary thing in that time and place – in any time and place. This says much about Joseph's character and his actual love for this woman.

20 But just when he had resolved to do this, an angel of the Lord appeared to him in a dream...When Joseph awoke from sleep, he did as the angel of the Lord commanded him; he took her as his wife, 25 but had no marital relations with her until she had borne a son; and he named him Jesus.

Matthew 1:18-25

G-d's angel explains the situation to Joseph in a dream, he believes it – and marries Mary – even more extraordinary – as he becomes subject to much derision and public disgrace by marrying a compromised woman. If the gestation period is less than nine months people would know that – either – she was pregnant by another man (for who believe that G-d would do such a thing) – OR – she and Joseph had sex before marriage. It is a peculiar sort of love – unique then and now – that risks reputation and livelihood – even life itself – to break laws and customs in order to protect another person – to continue to love another person in spite of public opinion and legal precedent.

Which brings us to the topic of the legalities of love. Which brought me to the realization that we are living in extraordinary times in America when it comes to love and the law. Let's define one term before exploring this. The word **mis-ceg-e-na-tion**: was coined in the mid-19th century. It comes from Latin miscere 'to mix' + genus 'race' + -ation [(forming nouns) denoting an action or an instance of it].

Anti-miscegenation laws were a part of American law since before the United States was established and remained so until... 1967... The term miscegenation was first used in 1863, during the American Civil War, by American journalists to discredit the abolitionist movement by stirring up debate over the prospect of interracial marriage after the abolition of slavery...

In the United States, anti-miscegenation laws...were state laws passed by individual states to prohibit...interracial marriage and interracial sex. **Typically defining miscegenation as a felony, these laws prohibited the solemnization of weddings between persons of different "races" and prohibited the officiating of such ceremonies... All anti-miscegenation laws banned the marriage of whites and non-white groups, primarily blacks, but often also Native Americans and Asians.**

In many states, anti-miscegenation laws also criminalized cohabitation and sex between whites and non-whites. In addition, the state of Oklahoma in 1908 banned marriage "between a person of African descent" and "any person not of African descent"; Louisiana in 1920 banned marriage between Native Americans and African Americans...and Maryland in 1935 banned marriages between blacks and Filipinos. While anti-miscegenation laws are often regarded as a Southern phenomenon, most western and plains states also had anti-miscegenation laws.

https://en.wikipedia.org/wiki/Anti-miscegenation_laws_in_the_United_States

These laws were still being CREATED in the 20th century! Now it's interesting to note that California – which DID have such a law on the books since 1850 – led the way in striking such laws down.

Perez v. Sharp... is a **1948** case decided by the **Supreme Court of California** in which the court held by a 4-3 majority that the state's ban on interracial marriage violated the Fourteenth Amendment of the US. Constitution.

The 14th Amendment reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Constitution of United States of America 1789 (rev. 1992)
14th Amendment - Section 1.
<https://www.law.cornell.edu/constitution/amendmentxiv>

That last clause is cited most often in these cases. In Perez v. Sharp:

Andrea Perez (a Mexican American woman) and Sylvester Davis (an African American man) met while working in the defense industry in Los Angeles. [They] applied for a marriage license with the County Clerk of Los Angeles. On the application for a marriage license, Andrea Perez listed her race as "white," and Sylvester Davis identified himself as "Negro." Under the California law, individuals of Mexican ancestry generally were classified as white because of their Spanish heritage.

The County Clerk...refused to issue the license based on California Civil Code, Section 60... and on Section 69, which stated that "**no license may be issued authorizing the marriage of a white person with a Negro, mulatto, Mongolian or member of the Malay race**"... **Perez and Davis were both Catholics and wanted a Catholic marriage with a Mass. One of their primary arguments...was that the Church was willing to marry them and so the state's anti-miscegenation law infringed on their right to participate fully in the sacraments of their religion, including the sacrament of matrimony.**

https://en.wikipedia.org/wiki/Perez_v._Sharp

Prior to the California Supreme Court's ruling in Perez v. Sharp (**1948**), no court in the United States had ever struck down a ban on interracial marriage. **In 1967, the United States Supreme Court unanimously ruled in Loving v. Virginia that anti-miscegenation laws are unconstitutional, relying partially on Perez.** With this ruling, these laws were no longer in effect in the remaining 16 states that at the time still enforced them. **However, the active repeal of the laws was not complete until Alabama did so in 2000** after

failing to do so in several earlier referendums on the matter. At the time, nearly 526,000 people voted against the repeal.

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Loving v. Virginia is a case I knew nothing about until recently when the historical drama/movie “Loving” was released. “Loving” is actually the last name of the couple who brought suit against the state in order to legalize their already legal marriage in **1958** obtained in Washington D.C.

Richard Loving, a white construction worker in Caroline County, Virginia, falls in love with a local black woman and family friend, **Mildred Jeter**. Upon Mildred discovering that she is pregnant, they decide to marry, but knowing that interracial marriage violates Virginia's anti-miscegenation laws, they drive to Washington, D.C. to get married...

[https://en.wikipedia.org/wiki/Loving_\(2016_film\)](https://en.wikipedia.org/wiki/Loving_(2016_film))

The movie chronicles their journey over 9 years to keep their marriage and family together until the U.S. Supreme Court rules their love, marriage and children legal in **1967**.

Are you hearing these dates? This has all happened within the lifetimes of our parents – even ourselves. This is current events, not history. And if we look at same-sex marriage, we are talking legalization in **2015!!!!!!!!!!!!!!**

In **2003**, Massachusetts [**NOT California**] became the first state to allow [same-sex] marriage after its highest court ruled the state's ban violated the constitutional rights of same-sex couples.

<http://www.reuters.com/article/us-usa-court-gaymarriage-states-idUSBRE95P07A20130626>

Same-sex marriage [became] legal in the...California...on June 16, 2008, when the state began issuing marriage licenses to same-sex couples as the result of the Supreme Court of California ruling in **In re Marriage Cases**, which found that barring same-sex couples from marriage violated the state's constitution.

The issuance of those licenses was halted during the period of November 5, 2008 through June 27, 2013 (though existing same-sex marriages continued to be valid) due to the passage of Proposition 8—a state constitutional amendment barring same-sex marriages.

The granting of same-sex marriages recommenced following the United States Supreme Court decision in Hollingsworth v. Perry, which restored the effect of a

federal district court ruling that overturned Proposition 8 as unconstitutional...
June 28, 2013.

Before the passage of Proposition 8, California was only the second U.S. state (after Massachusetts) to allow same-sex marriage. Those marriages granted under the laws of other state governments, foreign and domestic, were legally recognized and retained state-level rights since 2008.

https://en.wikipedia.org/wiki/Same-sex_marriage_in_California

See also

https://en.wikipedia.org/wiki/Timeline_of_same-sex_marriage

And

<http://www.pewforum.org/2015/06/26/same-sex-marriage-state-by-state/>

On June 26, 2015, [LAST YEAR] the US Supreme Court ruled that [same-sex] marriage is a right protected by the US Constitution in all 50 states. Prior to their decision, same-sex marriage was already legal in 37 states and Washington DC, but was banned in the remaining 13.

gaymarriage.procon.org/

I'm noticing that all the major decisions regarding same-sex marriage were made in June...a great month for weddings...

So, this is where we are – 2000+ years after Joseph and Mary made their radical choices and made a family against all reason. We are supposed to be highly evolved, post-modern thinkers – and it took us THIS LONG to legalize love. How barbaric can we get? Well – apparently we can get MORE barbaric as newly elected and appointed officials are looking to repeal these love laws. And we will resist this trend toward de-evolution.

African American author Maya Angelou raised an important point

Strictly speaking, one cannot legislate love, but what one can do is legislate fairness and justice. If legislation does not prohibit our living side by side, sooner or later your child will fall on the pavement and I'll be the one to pick her up. Or one of my children will not be able to get into the house and you'll have to say, 'Stop here until your mom comes here.' Legislation affords us the chance to see if we might love each other.'

Maya Angelou (b. 1928), African American author and performer
As quoted in I Dream a World, by Brian Lanker (1989)

If legislation does not prohibit proximity to one another – we can experiment with loving one another – and each other's children. We can be a refuge for refugees and undocumented workers who make our society function and our communities richly pluralistic. We can be a refuge for multi-racial families and single gender families and chosen families of non-traditional forms.

We do live in a state with a Governor and any number of mayors vowing to resist any attempts by the new D.C. administration to undo our progress in loving one another and the planet.

We are in a good place to make a stand for love.
It's what Joseph and Mary did.
It's what G-d expects of us.
How can we not?

Scripture Reading for Sunday December 18, 2016 – Advent 4 – Year A

Matthew 1:18-25

18 Now the birth of Jesus the Messiah took place in this way. When his mother Mary had been engaged to Joseph, but before they lived together, she was found to be with child from the Holy Spirit.

19 Her husband Joseph, being a righteous man and unwilling to expose her to public disgrace, planned to dismiss her quietly. 20 But just when he had resolved to do this, an angel of the Lord appeared to him in a dream and said, "Joseph, son of David, do not be afraid to take Mary as your wife, for the child conceived in her is from the Holy Spirit. 21 She will bear a son, and you are to name him Jesus, for he will save his people from their sins."

22 All this took place to fulfill what had been spoken by the Lord through the prophet: 23 "Look, the virgin shall conceive and bear a son, and they shall name him Emmanuel," which means, "God is with us." 24 When Joseph awoke from sleep, he did as the angel of the Lord commanded him; he took her as his wife, 25 but had no marital relations with her until she had borne a son; and he named him Jesus.