

Marriage –a modest proposal

What exactly is this crazy notion called marriage? According to many Christians, it is a religious rite. According to Judaism, it's closer in feel to a contract between two people. For both groups, we have the question of whether we can define the rights and responsibilities of something called marriage in today's society to include same-sex couples without affecting the religious sensibilities of those whose religion does not approve of same-sex couples.

I must start by saying that I am not a lawyer. I am not a particularly well-educated Jew. But I admit to being interested in a variety of issues and this is one.

I seem to recall years ago hearing a rabbi explain how we got seminaries for rabbis in this country. After all, most rabbis in the Old World acquired their titles by studying with a rabbi or by inheriting the title from his father. So, the question remains, why did we change how we did things in the New World? Apparently the change took place because Judaism frowned on two marriages – one civil and the other religious. The solution was to do something the state would accept as validating a rabbi as an official who could perform the state marriage at the same time that the couple was marrying each other. And that meant a degree from an accredited university. And that (don't get ahead of me) meant creating institutions that could show the state that rabbis were "official."

Up until that moment (and still today from the religion's point of view), rabbis do not "perform" marriages. The couple marries each other and the rabbi is but a witness and advisor. The Wikipedia article on Jewish marriages confirms there are three ways for a Jewish couple to marry each other, none of which require a rabbi:

- Acceptance of an offer of money or with an object of value (such as a ring or coin in the presence of two witnesses;
- Signing a contract in the presence of two witnesses; or,
- By sexual intercourse with the intention of creating a bond of marriage.

Although there are occasionally lavish public ceremonies that involve rabbis, you'll notice that the rabbi is there for the state, not for religious purposes.

Christians and other groups have different views on this, but in all cases we have the spectacle of members of the clergy saying those magic words, "*by the authority vested in me . . .*," in order for the couple to acquire the legal trappings of marriage.

I therefore have a simple proposal: Remove that authority from anybody but government employees. If you want to get married by a religious institution, it will be your issue to find one that can perform a ceremony that's meaningful to you. If you want to get the legal benefits of marriage and recognition by the state, you must have a state ceremony.

This proposal would therefore once again separate the two types of marriage. It would mean that many couples who want to have a marriage with all the trimmings would have two ceremonies. There are cost implications here and the poor might be less likely to have religious weddings. It would also place a burden on government to make available adequate staff for this purpose without negatively affecting other government functions. I believe that these issues are not insurmountable.

Ideally, this new paradigm (oh, my, I used that word) would allow the most religious people to accept that a marriage between two men or two women was not saying anything about their deeply held beliefs. It would merely serve to clarify what already exists even though we have tried to bury that distinction.

BIO

Warren Snaider is a Washington bureaucrat who was brought up in a military household. Before entering into the civil service, he was a company clerk in the US Army and carried mail. Although he was a rather sickly child, he has participated as a runner in several Gay Games and in the Out Games in Montréal. He is active in DC Front Runners and his local gay synagogue. He has never been married or "married."