

Marriage

by: Rabbi Jeremy Rosen

I am not a fan of beauty competitions (even though the Jerusalem Talmud tells us to thank and bless God when we see a beautiful woman). However I do read newspapers and learned that a Carrie Prejean, Miss California, was the favorite to win the Miss USA beauty competition this year until she made one terrible mistake.

She was asked whether all states in the US should allow homosexual marriages. She replied that she was delighted that in America people had choices and freedoms, but that she was brought up to think of marriage as being between a man and a woman. All hell broke loose.

The news channels and the blogosphere went wild condemning her as an evil antediluvian primitive, a crazy right wing religious fundamentalist fanatic. The only difference between her and the Taliban was that they cover up whereas she uncovers. I have some sympathy with her, even if I think she was remarkably naïve in the way she expressed herself. She might have said that she was in favor of the complete liberalization of civil marriage laws but that religious people should also have the freedom to make their own choices, or some such formula.

Marriage, as the term is now used in the post-religious western world, is a contract between two people, without necessarily having any religious significance whatsoever. As such, it seems to me that anyone who wishes to be bound in contract to someone ought freely to be allowed to do so, particularly where such a contract provides financial and civil benefits and privileges for one or both partners. There are of course contracts and there are contracts but the State is not in the business of defining religious contracts, only civil ones.

I recall the fuss when Leona Helmsley left nearly \$150,000,000 to dogs.

Clearly she got more friendship, loyalty and pleasure from them than she did from any human she knew—and why should not humans be able to leave their wealth to whomever they want to? Why should civil states pay any attention to the taboos of religions? Why should not a civil state permit brothers and sisters to marry, for instance? If people wish to marry to take advantage of benefits available only to married couples, then let us simply differentiate between religious marriages and non-religious ones.

Religions are more limited covenants between members which impose other restrictions, not just of who one may live and sleep with but also how, where, and when one conducts oneself, goes to work, or behaves in a house of worship. Civil states must of necessity legislate for all citizens, regardless of race or creed, whereas religions may and do deal with conditional memberships. And why not, so long as they do not impose on others. That is why I so strongly oppose religious interference in state laws and support total separation of religion and state.

I draw a distinction between marriage as a word that carries no religious significance in itself anymore and the Hebrew word kidushin sanctification, a ceremony of specific religious significance. And to go to the other side, there are religious Jews I know who are not married in civilly but have received chupa and kiddushin and lived this way throughout their usually happy and fruitful lives.

We also need to separate this issue from that of religious attitudes to homosexuality because that adds a separate emotive dimension. I happen to be on the liberal, libertarian side of the issue but it is a shame that "gay rights", is the driving force behind the campaign because it muddies the waters. This issue really boils down to what is meant by marriage altogether. At times in history, and even today, it often was and is only a financial or political contract, not necessarily a romantic one. Terms and usages are always shifting. But there is no way I can argue that religious contracts can happen where a religion does not recognize them, even if I think it irrational and illogical.

I think that was all Ms. Prejean was saying, but because she was unable to express herself in such a way as to differentiate the civil from the religious she was excoriated. Yet she was not saying "no". She said she was in favor of free choice. So what was the row about?

The row was really more about the dogma of Political Correctness, the same correctness that will not talk about Terrorism but just Human Misbehavior, not Religious Fascists just Pious, not Warmongers just Self-Improvers, and now the sexual equality warriors insisting not on freedom of choice and rights, but the denial of any differences in the kind of choices made and even insisting on hijacking words and terms to suit only their agenda.

I never much liked crusaders ramming their orthodoxies down others' throats, and I don't like them now, insisting we must all think the same way or be damned. It seems that because religions have produced so many fanatics the other side now feels it needs to ensure equality there too!