

Civil Marriage

by: Rabbi Jeremy Rosen

Who opposes civil marriage? It seems that religions are the main campaigners against it. Despite my love affair with Judaism I am a strong

advocate of separating State from Religion.

There is a disconnect between a system based on Divine

Revelation, conservatism, and giving authority to men and women who put faith above all else, and on the other hand one based on giving everyone an equal vote and allowing individuals to do whatever they want to so long as they do not affect or endanger others. Neither system is perfect. They both suffer from

human nature degrading an ideal. But they are two very distinct models of governance. Although both systems can end up exercising horrific violence on their own citizens and others, on balance I prefer to live in a country where there is as little religious interference as possible and people can choose how

much they want to take on.

The Jewish experience of living under Shariah law,

specifically in Iran, was so degrading and humiliating (it was only pressure from the imperial powers that forced the Qajar dynasty to allow a modicum of equal

rights to Jews at the start of the twentieth century). Neither am I too keen about ultra-Orthodox rabbis controlling my behavior. I may respect them, but I'd rather make my own decisions.

Since the great Babylonian rabbi, Shmuel, declared two

thousand years ago, that "the law of the land is the law", Judaism has accepted

civil law with the sole proviso that it is applied fairly and to everyone. So whether we choose to live in a society influenced by Christianity, Islam, or any other religion, we have always abided civilly by their definitions of who is married. We do not say, "Since we don't accept other religious marriages, we

can make off with another man's wife."

As modern democratic societies have changed, so too have the

ways we look at human relationships. The area of civil unions has evolved. We have had to accept the financial and legal implications of such unions, regardless of our own religious systems. For the first time many Muslims, who now increasingly live in non-Muslim societies, are having to slowly come to terms with such a situation.

In Western democracies, recognized partnerships bestow

certain privileges as well as obligations. Partners benefit from tax, inheritance, pension, and insurance law, to mention only the most obvious. In the nineteenth century, when (largely thanks to the French Enlightenment and Napoleon) the first moves were taken to restrict the role of churches, civil partnerships were introduced, so that couples could "get married"

without the "benefit of clergy". At that stage, for whatever reason, it was agreed to call such civil unions "civil marriages", even though neither the Church nor the Synagogue considered them to be marriages as they defined them. Perhaps it would have been better to have given them some other name such as "union" or "commitment" or "bond". Marriage was hitherto only applied to a religious ceremony.

When I first heard about gays and lesbians getting married, my initial reaction was that I could not think of any objection, but why call it marriage—call it something else. But on reflection, it is no different to a man and woman getting "married" civilly. Only a religious argument could possibly be leveled against it, so why do religions keep quiet about civil

marriages between heterosexuals? The only objection could be a religious one, and I think religions should keep out of other people's business. No one is forcing anyone to recognize a religious ceremony that is offensive to him.

All

the State is saying is that the couple have entered into a binding civil commitment. Many of us do this all the time in commerce and trade.

What's the problem? The word? The language? Usages change all the time. In Shakespeare's day "nice" meant stupid. In my youth, being "gay" meant being happy. The word "anthem" once meant a religious choral piece. Now it's a nationalist song about being better and prouder

than the other guys!

I have heard it argued that by agreeing to civil marriages one is undermining the religious position. But why is this undermining personal

faith any more than stores being open on Sabbath or restaurants offering non-kosher

food? No one is forcing anyone to go there. Indeed, "render unto Caesar what is

Caesar's". The role of religion, in my humble opinion (OK—not so humble) is to persuade, to infuse spirituality, to try to improve human beings. Let them put their energy into buttressing their own institutions and rooting out the corruptions and abuses that we still see. If religions insist on campaigning politically, I would argue, for example, that all religions should come together to support educational vouchers. This way religions benefit as well as

others. Vouchers support and go to individuals instead of institutions.

There are enough negatives and constraints in religions without adding more. Lay off I say and let people commit themselves and call it what they will. No one is forcing anyone to anything they don't want to. Just because

politicians play games with this issue, on both sides to win votes, we do not need to descend to their level.