

I find the best antidote to hysteria and bigotry is critical thinking – something many fear lest it pry open a closed mind. I am not bothered by those who decry the recent Supreme Court marriage decision, provided their opposition is consistent and coherent. I am bothered if those who object to the decision were not also already bothered by the hodge-podge patchwork of state marriage laws and the many dissimilar ways by which ‘one man and one woman’ can legally enter the institution of marriage – whatever said ‘marriage’ really means.

The Supreme Court affirmed that equal human beings have equal legal rights to form a lasting and protected union. We call such a legally instituted union ‘marriage’, which is unfortunate because ‘marriage’ is also a religiously instituted union, one not based in civil law yet fully sanctioned and extended by civil law.

According to the Government Accounting Office, in civil law there are 1,138 statutory provisions in which marital status is a factor in determining benefits, rights, and privileges. Think about that. The uncontested mayor of the smallest Podunk town in America may extend to married individuals 1,138 rights legally withheld from non-married citizens.

Across our land the institution of marriage can be entered into in so many ways it boggles the mind. Religious rite is but one way and probably the most traditional way. Less common paths to these 1,138 privileges include the Drive-Thru wedding in Las Vegas costing only \$95; common-law marriage, a legal framework where a couple is legally considered married, without that couple having formally registered their relation as a civil or religious marriage, is another; the Navajo Nation allows its members to marry through tribal ceremonial processes and traditional processes. The list goes on. All are sanctioned by law.

Who then may officiate a legally-sanctioned marriage? Nearly anyone. Obviously priests, ministers, and rabbis perform weddings. But that’s not all. Depending upon the jurisdiction, a judge, court clerk, or justice of the peace also has marriage authority. In the state of Florida even notaries may conduct marriages!

Do those who object to the Supreme Court decision ask themselves why a low-ranking government bureaucrat, a notary or a clerk, may legally bind two persons with the exact same legal force as if the marriage were performed instead by a learned bishop in a great cathedral or wise rabbi in a holy synagogue? Have you asked yourself ‘In what way are civil marriages and religious marriages the same? If they are not the same, why are they treated equally before the law’?

Which clergy, representing which churches, may perform legally recognized marriages? In Ohio, ‘Any ordained or licensed minister of any religious society or congregation within this state may perform marriages’. This opens a wide door indeed. AMM American Marriage Ministries is a non-profit, interfaith and non-denominational church with the mission to ensure that all people have the right to perform marriage. With an AMM certificate, a 1-page application consisting solely of contact information, and a \$10 fee, the State of Ohio authorizes virtually anyone to perform a legal marriage. So much for any special status of marriage officiants.

So, why do we marry in the first place? Marriage is entered for many reasons, none necessarily equal. Historically, marriage was based in large part upon inheritance and the passing along of power and property, and for political and economic convenience. More recently the basis of marriage is assumed to be mutual love and commitment to fidelity. Enlightened as we are, we assume love and fidelity represent higher orders of commitment than money or property. Yet, over the last century of 'straight marriages', the probability that one of the partners will cheat is near 50%, along with similar rates of breakup and divorce. So much for love and fidelity being higher order commitments.

Likewise, marriage is frequently entered to protect or grow wealth or social status. What roles do love or religion play when wealthy or powerful families arrange for their kin to marry? Very few, if any. What role does law play when these same kids marry? At least 1,138 roles! Some may consider marriage a primarily religious institution, but the reality is that marriage is principally a civil institution which confers great benefits and protections, regardless of the chosen pathway to marriage, religious or civil.

Most opponents of equal access to the legal institution of marriage base their arguments (or prejudices) on religious beliefs or tradition. Yet, sincere religious convictions which hold marriage to be sacred or sacramental are unchanged by the court decision. Legally recognized civil marriages do not somehow taint or weaken marriages entered into for religious convictions. Clearly both paths to marriage are recognized in law. Marriage is a civil R-I-G-H-T provided by the state with social entitlements and privileges, while at the same time considered by many a religious R-I-T-E , a sacred covenant bestowed by The Creator. Marriage is not EITHER civil OR religious but BOTH civil AND religious. Look around, it simply is.

Marriage 'between one man and one woman', however tenuous the bonds or laughable the fidelity, automatically confers 1,138 legal privileges and benefits. On this morning after the Supreme Court decision, one should question less the decision extending equal rights to equal individuals and question more the 1,138 ways in which church and state have already become so inextricably interwoven. With respect to marriage, church and state have been inseparable for millennia. This is but one more in a long history of state decisions concerning marriage, albeit a huge one.

Religious conviction is noble, and powerful. Religious conviction is also frightening. Throughout history, people of great faith and sincere convictions have (mis)used their bible to defend many things. I am glad previous courts and legislators ignored such arguments. Slavery is now illegal, and should be. People of great faith and conviction also used the bible to subjugate women as 'property' of fathers and husbands.

Thankfully, religious understanding and convictions do evolve. Such changes will inevitably be viewed by believers as capitulation to evil forces. Change is inevitable and not all change is good. Major societal changes should evolve slowly, with great care, and with healthy debate. If you can't embrace the change, consider participating in a healthy debate. Shrill opposition is noise; debate is informative.

Gandhi is alleged to have said:

Oh, I don't reject Christ. I love Christ. It's just that so many Christians are so unlike Christ.

Well said.