

Get out of marriage business altogether

Joe Ferullo | Jun. 16, 2009 NCR Today

One interesting response to [California's anti-gay marriage Proposition 8](#) [1] seems to be gaining traction: encouraging the state to get out of the "marriage" business altogether. In an Op-Ed article in Tuesday's *Los Angeles Times*, Catholic writer and Pepperdine University law professor Douglas Kmiec argues that would be [a win-win for everyone](#) [2] in the contentious same-sex marriage debate.

Kmiec argues that the state should stop creating civil marriages, and instead call them all "civil unions" -- gay, straight, or no preference. Marriages, he says, would be religious ceremonies performed in churches, mosques and synagogues -- with those places determining who can and cannot marry within their religious traditions.

In this way, all people are equal before the law -- everyone gets a "civil union," with all the attendant legal rights -- and religious freedom is served, as well, Kmiec writes. It's an interesting idea -- spoken of quietly in debates leading up to last November's Prop. 8 vote -- that seems to be feeling a bit of wind at its back now.

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Links:

[1] <http://ncronline.org/blogs/ncr-today/prop-8-controversy-continues>

[2] <http://www.latimes.com/news/opinion/la-oe-kmiec16-2009jun16,0,3614803.story>