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Marriage 'justice' should involve separation of church and state

by Bill Tammeus

A small c catholic

I'm always surprised when I find religious leaders using terms in ways that seem to mean the opposite of what I think their common meaning is.

For instance, Pope Benedict XVI said this in one of the recent *ad limina* visits bishops periodically make to him:

"Defending the institution of marriage as a social reality is ultimately a question of justice since it entails safeguarding the good of the entire human community and the rights of parents and children alike." [Source]

When I read that, my response was, "Wait. What?" The pope clearly wasn't using "justice" to mean I what think it means, especially when we are considering marriage.

In my American (and, yes, Protestant) context, justice means to me that people old enough to marry should be treated equally under the law.

In my vision of justice, the civil law would treat same-sex and heterosexual couples equally. It would give both sorts of couples the same rights and responsibilities of marriage. There cannot be justice if the law gives unequal treatment to adults who wish to marry.

In that case, justice becomes an empty box. Indeed, that's exactly what we have now in most states in this country. It's a legal outrage, and I hope our court system eventually will declare it to be exactly that.

If it were up to me (and I can hear some of you cheering because it isn't), I would require anyone of age who wishes to marry to be united in a civil ceremony. If the newly joined couple then wanted that union to be blessed by a faith community, they would seek that out separately. And, of course, the faith community would be free on theological grounds to say yes or no to any such request for blessing.

The system as I have described it would provide equality under the law but leave religions free to decide whether to acknowledge and bless this or that union. My own denomination, the Presbyterian Church (USA), is debating that very blessing issue at our national gathering June 30 to July 7 in Pittsburgh.

As it stands now, the person who officiates at most weddings serves as a deputized agent of the state as well as a faith community representative. Those functions should be separated. And I know lots of clergy who would be glad to see such a separation happen.

The result of my proposed system, I think, would be justice, by which I mean what Cicero meant by it when he wrote, "The foundations of justice are that no one shall suffer wrong; then, that the public good be promoted."

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First, such a system would end the suffering of wrong now wrought upon same-sex couples who wish to marry but legally can't. Beyond that, it would be a demonstration of equality under the law, a proposition at the very heart of the American system of justice. As things stand now, some couples are much more equal than others, depending on which state they call home.

Next, it would promote the civilizing, constructive, loving, caring institution we call marriage. It's a fabulous institution. If we care about both social stability and compassion, we would work to extend marriage, not limit it.

But when the pope talks about defending the institution of marriage, he wants to build walls around it, not bridges to it.

And when he talks about safeguarding the rights of parents and children, the system he promotes does that at the expense of adults who should be equal under the law. That's not justice. That's irrational discrimination.

The pope is free to prevent the church from blessing same-sex marriages. But justice within the American legal system requires the state to perform such unions, and I want my church to be on the side of justice.

[Bill Tammeus, a Presbyterian elder and former award-winning Faith columnist for *The Kansas City Star*, writes the daily "Faith Matters" blog for *The Star's* website and a monthly column for *The Presbyterian Outlook*. His latest book, co-authored with Rabbi Jacques Cukierkorn, is *They Were Just People: Stories of Rescue in Poland During the Holocaust*. Email him at wtammeus@kc.rr.com.]

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