

Till Death Do Us Part **by Dan Jacoby**

Mark S. Goldberg and Ron Hanby were a loving couple for seventeen years, until Mr. Hanby passed away. That's when Mr. Goldberg's troubles began.

Despite the couple having been legally married in Connecticut, Goldberg was denied the right to claim Hanby's body because they were not legally married in Rhode Island or blood relatives. To add insult to injury, Goldberg was told that the state had to conduct a two-week search for a next of kin, but the search dragged on for four long weeks before Goldberg was finally granted the right to take final care of the man he married.

The Rhode Island state legislature heard about this, and passed a law allowing domestic partners the same post-death rights as spouses. As of this writing it hasn't become law, because the governor has vetoed the bill.

Clearly, our society is still sick when dealing with its homophobia, and progress on this issue, as with all equality issues, is excruciatingly slow. As I wrote in 2004¹:

“It took 250 years of slavery, a war, a hundred years of Jim Crow laws and the Ku Klux Klan, decades of marches and worldwide television coverage to overturn overt bigotry against African-Americans. Even today, however, 40 years after landmark civil rights legislation, minority groups face higher poverty and crime, worse schools and fewer opportunities than most white Americans.”

But this case highlights something we all take for granted that turns out not to be true. In the standard marriage vows, the couple promises to be together “until death do you part,” or, alternatively, “as long as you both shall live.” Legally, however, that coupling lasts from beyond the grave. Funeral arrangements, not to mention the right to claim part of a spouse's estate, are still there, even after death.

But not, it seems, for same-sex couples.

In his veto message, Governor Carcieri writes, “This bill represents a disturbing trend over the past few years of the incremental erosion of the principles surrounding traditional marriage, which is not the preferred way to approach this issue.” But “traditional marriage” is only supposed to extend until one or both of the spouses dies, isn't it? That's what it says in the marriage vow.

Since the “marriage vow” is clearly incomplete, inaccurate, or possibly just plain phony, it's time to take a clear look at the concept of “traditional marriage.” We should examine the progress we have made from the day when marriages could only be between two people of the same race, or the same religion – or the day (not that long ago, by historical standards) when government had no part in marriage.

Only by admitting the truth about “traditional marriage” can we move forward, and only by forcing Governor Carcieri and his like to face their lies about “traditional marriage” can we have any hope of moving forward together.

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¹ http://danjacoby.com/politics/columns/writing/69_the_last_bastion_of_hate.htm