

# Why I'm Not Getting Married ... Again

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Twelve years ago, on June 23, 1996, my husband (sic) and I got married under a Jewish wedding canopy, known as a huppah, surrounded by 120 friends and family in the hills above Berkeley, California. It was a perfect day of singing, celebration, and in quintessential California fashion, organic food prepared by our friends. It was an affair of love and done on a shoestring \$4000.00 budget. An artist friend of ours, Helene Fischman, made our ketubah, the wedding contract that spells out the terms of the agreement, and this Jewishly legal contract hangs in our dining room serving as a reminder of the commitment we made.

A few years later, we found ourselves in Toronto, Canada, just after Canada legalized same-sex marriage, so we decided, why not have a piece of paper that might come in handy some day. The Canadians took everything very seriously with music, poetry, and a very earnest justice of the peace, but I honestly don't remember the date, or even which year it was, because we were, of course, already married before we signed the documents in Canada. But now we had the religious and the civil documents in hand.

About one month ago, friends and family started asking when we were coming to California to participate in the biggest party of the year -- California's legal same-sex weddings. They reiterated that this privilege extended by the state could be taken away in November when "the people of California" have their say. Rabbi and pastor friends of ours were suddenly booked months out to perform weddings, and everyone it seemed knew someone or was someone getting hitched. I received one Evite to a wedding celebration (OK, not the most formal affair, but it's the thought that counts), the fifth

one that she and her wife had done. I'm awed by their fortitude to get married five different times to meet five different religious and civil bodies' requirements for marriage.

But when asked about our plans, I recoiled at the suggestion that my husband and I should come to California to get married. "We've been married for twelve years." "Yeah, I know David, but it's legal now. You can take advantage of all of the benefits."

I have had this conversation no fewer than five times in the past month, since California took the bold step of both allowing same-sex marriage and not having a residency requirement for the happy couple. Articles about the economic benefits to the state flooded cyberspace, pictures of happy couples adorned websites, newspapers, and television broadcasts around the world. So why was I being such a party pooper?

Mind you, I'm married, which is proof that I'm not a radical anti-marriage advocate. I understand the arguments of the anti-marriage camp, sympathize with them, but I'm just not that radical. I liked having had an awesome religious experience to show ourselves and our community the depth of our commitment to one another. And I like having a stunning piece of art that is our wedding contract hanging in the hearth of our home.

I'm not going to California to get married, because I am already married, and from my vantage point, the repeated requests for me to finally "get married" continually chip away at the powerful edifice that is my relationship. Those who are asking if I am getting married, most of them gay and lesbian themselves, do so out of a place of love and hope, but they are unwittingly articulating to me and to themselves that they never saw my marriage as real. Yes, it was beautiful; yes we were a couple, but in their eyes, we were not married until a state blessed our relationship. How did marriage become so detached from spiritual connection and so embedded in mundane social relations that our big fat Jewish wedding with all of the smells and bells of Judaism (including the not-so-traditional opera singer!) just did not count?

Now, the excited question about when we're coming to California was the benign, sweet articulation of the fact that marriage today in the U.S. has little to do with spirit and everything to do with civil society. But the question about proving and documenting our relationship constantly is also a source of disrespect and discrimination towards us.

I recently accepted a job at the University of Colorado in Boulder, a liberal, hippy dippy university in a state that is home to Marilyn Musgrave and Focus on the Family. It makes for a fun political environment. Two years ago, the university's regents graciously decided to extend employment benefits to same-sex domestic partners, something that had been debated and rejected several times previously. These benefits, however, came with a serious condition -- same sex couples would have to document their relationships to the university in not one but two extra ways. First, unlike legally married straight couples, who do not have to document their relationship in any way to the university, we had to sign an affidavit in front of a notary proving that we live together, have joint bank accounts, and other rather intimate details. What if we, like many academic couples didn't live together or didn't have joint bank accounts? We wouldn't have counted. Luckily we could sign the affidavit honestly, because we do share our household together. We faxed that in, and then HR called requesting, "proof of your registration of

your domestic partnership with the City of Boulder or Denver." "But I just faxed you an affidavit legally attesting to my relationship." "I'm sorry, but we need that documentation." "But I registered my relationship in the City of Oakland where I used to live and have a marriage license from Canada. Why would I have renewed my vows for the City of Boulder?" "I'm sorry but the Regents' require both a signed affidavit and a copy of your registration with the city." Note that this city registration costs \$25.00 and requires my husband and I to go to City Hall, stand in front of a clerk, and, once again, attest to our relationship.

So here I was, once again being asked to renew my vows to please a state body, this time out of clear spite for same-sex couples, as there is no legal reason to require the documentation. How could the university be allowed to get away with this? I began investigating what other same sex couples at Boulder did in response to this injustice. I heard something like the following from several faculty and staff, "We're just grateful to have benefits at all, David." I was so sad that the experience of these same-sex couples had been so difficult that the separate-and-clearly-not-equal status was something they were OK living with. In fact, most on campus had no idea how many hoops the university required same-sex couples to go through and apologized profusely. The HR staff person who delivered the bad news to me that my Jewish wedding, City of Oakland registration, Canadian marriage, and signed affidavit were not sufficient proof of my relationship, apologized but reiterated that "this is a state decision over which we do not have control." As I hung up the phone, without thinking I said to myself, "I wish I were in California right now," and realized why so many people wanted me to come get re-married in California. At that moment, I recognized the power of the state to undermine and bless our relationships. I saw that whether we like it or not, our religious institutions have very little power over our lives in comparison with the power the state has to deny my husband the health care he depends on. Should we go to California?

And yet, if my Jewish wedding, Canadian marriage certificate, City of Oakland DP registration, and signed Colorado affidavit aren't enough for the university, a California marriage license would be as worthless. So instead of running off to the next state, municipality or federal government that has finally woken up to the reality of our lives, of my life, and asking that state to sanctify our relationship, we decided to have dinner in our dining room and re-read the text of our ketubah that spells out the real commitment of our relationship that we made twelve years ago.