

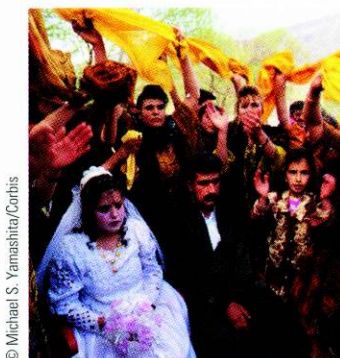
CONTEMPORARY ISSUES

Is Marriage a Crime?

Most Americans take considerable pride in the fact that theirs is a nation of immigrants. Since our earliest days as a nation, immigrants have come to our shores in search of a better life. They settled in urban neighborhoods, learned to speak English, worked hard, and eventually (after several generations) moved to the suburbs, where they joined the country club and became active in their homeowners associations. However, when immigrants first arrive, they may be surprised to discover that practicing their traditional cultural customs can put them on the wrong side of the laws of their new country.

In 1996 a recent Iraqi refugee was the proud father of two brides in a traditional double wedding ceremony for his two eldest daughters at their home in Lincoln, Nebraska (Terry 1996). An Islamic cleric was flown in from Ohio to perform the ceremony in front of more than a hundred friends and relatives. For all attending it was a festive social event celebrating the sacredness of matrimony. But for local authorities it was the scene of a crime.

The problem stemmed from the fact that the two Iraqi brides, who were thirteen and fourteen years old, were marrying men who were twenty-eight and thirty-four. According to marital law in the state of Nebraska, seventeen is the minimum legal age for marriage. Authorities charged the father with two counts of child abuse, while the mother was charged with contributing to the delinquency of a minor. Moreover it is illegal for anyone older than eighteen to have sexual relations with anyone younger than eighteen. Because the two grooms consummated their marriages on the night of the wedding, both men were charged with statutory rape, which carries a maximum sentence of fifty years in prison. Both the parents and their two sons-in-law were shocked when police came to arrest them.



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The issue in this tragic case revolves around two very different definitions of marriage. According to both law and custom in the United States, marriage represents a voluntary union between two consenting individuals. The criteria for selecting a spouse in the United States include personal compatibility, physical attractiveness, and romantic love. And the major objectives of marriage in the United States are the happiness and personal fulfillment of the two principal players, the wife and the husband. By way

of contrast, marriage in traditional Iraqi society is based on an entirely different set of cultural assumptions. Marriages are arranged by the parents, with little or no input from the prospective brides. Traditional Iraqi marriage is viewed more as a union between two large families than as a way of providing happiness and individual fulfillment for the husband and wife. In addition, traditional Iraqi parents fear that their daughters will engage in premarital sexual relations and thereby dishonor the entire family. To their way of thinking, the best way to protect their daughters and their families from such disgrace is to marry them off at an early age.

Clearly this case presented a real dilemma for Nebraska law enforcement officials. The Iraqis, who were ignorant of marital law in Nebraska, had no intention of violating the law. Nevertheless their traditional marriage practices did violate some strongly held American values and some strongly sanctioned laws. Many Americans want to be sensitive to the cultural pluralism that has made our country unique. At the same time Americans need to be true to their core values of protecting the rights of women and children. Should culture be taken into consideration when dealing with civil and criminal cases, and if so, to what extent? How would you resolve this case if you were serving on the jury?