Last week President Obama finally did it. After several years of an evolving position on gay marriage, he stated unambiguously that he thinks people of the same sex have the right to marry; no compelling reason exists to prevent it.

Why is the President’s opinion important anyway? If marriage is religious, it should not be.

In the Catholic Church, marriage is one of the seven sacraments. Like communion and baptism, marriage constitutes a religious ritual conducted before God. It is led by a priest and witnessed by the entire community, to be sure, but God is asked not only to bless the marriage, but to sanctify it. In essence, God creates the marriage bond.

Although the Protestant Reformation did away with many sacraments, marriage remains a religious rite unifying two individuals before God in the witness of the congregation.

This understanding provides no place for government officials and their views. Marriage takes place before God and the religious community. Marriage belongs to the church, right?

Well no, actually.

Governments took over marriage centuries ago. It became a way of keeping tabs on people. Today in North America and Europe, the church wedding is not what makes one legally married. Legal marriage occurs only when a person gets a marriage license from a government bureau and signs it before the appropriate witnesses.

If ever there was a failure of the separation of church and state, government control of marriage is it. While allowing churches, synagogues, and other religious institutions to continue their rituals and celebrations, governments took away their power to contract marriage.

Church weddings may take place before God, but in the eyes of the state, a marriage is not legal until the papers are signed.

Over the past century, furthermore, many people’s religious views have changed. It used to be rare to marry outside one’s church or denomination, now it is common. And many people have given up official religion altogether. In both cases, government control of marriage enables these individuals to marry with ease. If religious institutions had retained control over marriage, the ability to marry of people in these situations would have been highly curtailed.

So the President’s opinion on this question is important. As the head of state, his views have significant weight in deciding how the government approaches marriage—probably more than the views of religious organizations themselves. There is no separation of church and state here. Undue entanglement of church and state? Absolutely.

That is clear in the political arena as well. Over the past two decades, state laws and constitutional changes have been enacted around the nation almost entirely in the name of “Biblical Marriage”—defined in practice as the union of one man and one woman. Religious leaders and groups have worked to establish their religious beliefs about marriage as the law of the land.

What the churches have failed to realize in this rush to enshrine one man-one woman marriage is that when they ask the government to define marriage, the government defines it for them.

The churches have not only lost control of marriage, but the government now enforces its marriage requirements not just upon the gay community but upon the churches as well. The churches gave to the government any remaining power over marriage.

Was this wise? Maybe churches and other religious institutions should try to get back their power over marriage before it is too late.

Since the debate over gay marriage is far from over, the churches can use it to restore their power over marriage. They should insist on the separation of church and state and get the government out of the religious business of marriage.

How? In principle it is simple. The government should be restricted to civil unions, which all couples would contract, straight as well as gay. This addresses the legal aspect of the union of two people.

The part of a union of two individuals that takes place before God would take place only in religious institutions. Each church, synagogue, temple and mosque would enact the marriage before their god(s) in the way they believed was correct.

Religions thus could define marriage according to their principles and refuse to conduct ones that did not fit their definitions. Some religious organizations would carry out gay marriages, some would not. Everyone would thus have access marriage who wanted it, and no religious organization would have to go against its beliefs.

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