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DRAFT MEMORANDUM ON THE OPINION OF THE ATTORNEY GENERAL OF RHODE ISLAND DATED FEBRUARY 20, 2007
(SUBJECT: WILL RHODE ISLAND RECOGNIZE SAME-SEX "MARRIAGES" PERFORMED IN MASSACHUSETTS?)

[This memorandum from MLP dated March 6, 2007.]
[This memorandum is subject to change, but may be used as a draft.]

It's been nearly 400 years since the first European set foot on what was to become the State of Rhode Island. During that time, Rhode Island has never authorized, licensed, or recognized a "marriage" between persons of the same sex. Rhode Island's current laws reflect that history. Yet on February 20, 2007 the Attorney General abandoned those laws when he wrote an opinion saying he could find no reason for refusing to recognize a same-sex "marriage" between Rhode Islanders who had traveled to Massachusetts so as to evade Rhode Island law.

In our judgment, the Attorney General has simply capitulated. He concedes that what occurred in Massachusetts was a "marriage," and he acquiesces when he says it is "valid." Neither of these concessions is necessary. He rushes to embrace the imperious work of a handful of sitting Massachusetts judges while failing to cite the key Massachusetts law from 1913 or the recent *Cote-Whitacre* cases from that same jurisdiction. His use of Rhode Island law is even worse. The immediate result is that fiercely independent Rhode Islanders will be paying for benefits to "Massachusetts spouses" even though no one in Rhode Island has ever voted to recognize such relationships, confer such benefits, or to be taxed to pay for them.

The People of Rhode Island have been denied a sort of fundamental due process of law because no competent advocate has been defending their interests in Massachusetts – or, we might add, in Rhode Island.

The Attorney General would have us believe that he was merely following precedent when he said that a Massachusetts same-sex "marriage" has to be recognized in Rhode Island unless Rhode Island has a strong public policy against it. The argument sounds plausible enough, but it is wrong, and this letter briefly explains how we have come to that conclusion.

When we first read the Attorney General's opinion, we were relatively trusting of its statements and conclusions. After all, it looks and sounds like a capable legal analysis – and it is on distinguished letterhead. However, the more we read, and the deeper we peered, the more evident it became that the A.G.'s opinion was not just inadequate but wrong. It is also muddled.[1]

The Attorney General's opinion of February 20, 2007, is deserving of an extensive critique in a law review article. We hope it gets one. In this letter, however, we touch relatively briefly on its major deficiencies. We point to just a handful of areas in which Rhode Island's A.G. simply took the wrong course.

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[1] For example, in his discussion of the *Chace* case, the substance of which we discuss in the text of this letter, the Attorney General made errors in reading and reporting the case. He writes on page 3 (fourth paragraph) that "Rhode Island law prohibited persons under guardianship from marrying without the written permission of their guardian. Public Laws 1896, c. 549, §11." This is a confused, portmanteau citation, but it is perfectly illustrative of the A.G.'s problems in presenting the case. The correct citation is Public Laws 1898-99, p. 49, ch. 549, §11, but the A.G. mixes up the correct citation with another law, Public Laws 1896, ch. 196, §16, which made void any contract entered into by a person under guardianship (and Mr. Chace was such a person). We believe the confusion between the two statutes runs throughout the Attorney General's discussion of *Chace*.

Other formal errors are not hard to find. In the first full paragraph on page 4, he says in a parenthetical that he has added emphasis to a quoted statement, but no quoted statement has a word that is emphasized. When the A.G. quotes the same text again in his footnote 7, he cites to the wrong page of the *Chace* opinion.

The A.G.'s opinion does not inspire confidence. Some of the simplest work is simply slipshod. It appears to have been written in a hurry, which hardly is appropriate for such an important topic.

I. Rhode Island's *Chace* Decision of 1904

Can two persons of the same sex "marry" in Rhode Island? We are not aware of anybody, including the Attorney General of Rhode Island, who says "yes." Accordingly, the conclusion of the Attorney General that Rhode Island must recognize a Massachusetts same-sex "marriage" is wrong. Surprisingly, it is wrong because of a *Massachusetts* statute.

In his opinion, the Attorney General relies heavily on a Rhode Island case that is more than one-hundred years old, but still good law, *In re Chace*, 58 A. 978 (R.I. 1904). He believes the result in *Chace* dictates the result today. Leaving aside the fact that *Chace* involved a marriage between a man and a woman that was valid under common law whereas today's cases involve something else entirely, the Attorney General's conclusion might have been plausible if Massachusetts hadn't amended its laws.

In *Chace*, a Rhode Island man and a Rhode Island woman went to Massachusetts, got married, and immediately returned to Rhode Island. The marriage was lawful and valid under the laws of Massachusetts, but not under the laws of Rhode Island because Mr. Chace was under guardianship. The question for the Rhode Island Supreme Court in 1904 was, is the Massachusetts marriage valid in Rhode Island? It answered in the affirmative.

The Attorney General says the same result must be reached today. He says that under the law of *Chace*, a marriage that is lawful in Massachusetts must be recognized as valid in Rhode Island unless some strong public policy forbids it. The Attorney General was unable to find such a strong public policy.

On some other occasion we may have to debate the question of Rhode Island's strong public policy on marriage, but this is not the time. We agree generally with the Attorney General's statement of the principles of conflicts of law, but the case before us does not require that kind of inquiry.

The Attorney General's approach is only helpful or true if the same-sex "marriage" of Rhode Islanders was lawful, but it is not. The Attorney General never sees this point. His entire argument is premised on the belief that the Massachusetts "marriage" is valid.

II. A Massachusetts Statute, And the Laws of New York and Rhode Island

In 1913, Massachusetts adopted an evasion-of-marriage statute which is still in force. It reads:

> "No marriage shall be contracted in this commonwealth by a party residing and intending to continue to reside in another jurisdiction if such marriage would be void if contracted in such other jurisdiction, and every marriage contracted in this commonwealth in violation hereof shall be null and void." M.G.L.A. ch. 207, §11.

We wish the Rhode Island A.G. has asked himself this question: Why is it that Rhode Island's same-sex couples must go to Massachusetts to "marry"?[2] The answer is vividly self-evident and conclusive: *Because there is no such thing as same-sex "marriage" in Rhode Island.*

If there is no same-sex "marriage" in Rhode Island, those couples *cannot*, by operation of the Massachusetts law just quoted, be validly "married" in Massachusetts. If they are not validly "married" in Massachusetts, then Rhode Island does not need legal opinions discussing whether or not such marriages must be recognized in Rhode Island. There is no Massachusetts "marriage" to be recognized.

The Attorney General's opinion says absolutely nothing of the 1913 Massachusetts statute or the Massachusetts cases that recently have interpreted it. *Cote-Whitacre v. Dept. of Public Health*, 844 N.E.2d 623 (Mass. Mar. 30, 2006) (no majority opinion), and *Cote-Whitacre v. Dept. of Public Health*, 2006 WL 3208758 (Mass. Superior Ct., Sept. 29, 2006) (on remand from the Massachusetts high court).

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[2] We believe, although the Attorney General never says one way or the other, that the same-sex "marriages" he has been asked to opine upon were all between residents of Rhode Island. We reach this conclusion based on the timing of the inquiry (the letter from the Board of Governors is dated Feb. 1, 2007), the date of the latest Massachusetts decision in *Cote-Whitacre* (Sept. 29, 2006), and the fact that most employees of the State of Rhode Island (the request from the Board of Governors concerned State employees) are required to be residents of the State, see Title 36, chap. 4 ("Merit Systems"), particularly "§36-4-30, Tenure in classified position dependent on residence," and §36-4-6 (appointees to noncompetitive positions "must be residents of the State of Rhode Island").

In the original *Cote-Whitacre* litigation, same-sex couples from six States who wished to "marry" in Massachusetts sued the State hoping to obtain a decision that would allow them to do so notwithstanding the State's evasion-of-marriage statute. The Massachusetts high court denied the appeal with respect to couples from four States, but sent the case back to the Superior Court for a decision about couples from New York and Rhode Island.

A. New York After *Cote-Whitacre*

1. New York in the Massachusetts Court: Straight-Forward, Simple, and Clear

There was little work to be done on New York law because the New York Court of Appeals ruled on July 6, 2006 that marriage in New York was restricted to the union of a man and a woman. *Hernandez v. Robles*, 7 N.Y.3d 338, 855 N.E.2d 1 (2006). For the Massachusetts court, that was dispositive.

2. New York in the Rhode Island A.G.'s Formal Opinion: Out-of-Date, Antithetical, but Revealing

The Rhode Island Attorney General apparently was not aware of what was going on in New York. Footnote 18 of his opinion of February 20, 2007 tries to use New York, of all places, to buttress his argument.

Footnote 18 cited an opinion that was issued in 2004 by the Attorney General of New York. In that opinion, New York's A.G. did indeed predict that New York would recognize same-sex "marriages" from other jurisdiction – but subsequent events have proved him wrong. The Rhode Island A.G. paid no attention to these subsequent events. He just cited the opinion.

The *Langan* case that the N.Y. Attorney General relied on was reversed in *Langan v. St. Vincent's Hospital*, 25 A.D.3d 90, 802 N.Y.S.2d 476 (App.Div. 2005), *reversing*, 196 Misc.2d 440, 765 N.Y.S.2d 411 (S.Ct., Nassau Co. 2003). That ruined much of the rationale on which the N.Y.A.G.'s opinion relied.

Then, there was the definitive judicial opinion in *Hernandez v. Robles*, 7 N.Y.3d 338, 855 N.E.2d 1 (2006), holding that man-woman marriage is not unconstitutional in New York. This opinion should be studied by the Rhode Island A.G.

Hernandez v. Robles has been followed by *Funderburke v. N.Y. Dept. of Civil Service*, 13 Misc.3d 284, 822 N.Y.S.2d 393 (S.Ct, Nassau Co., July 11, 2006), where it was held that the State government could withhold certain spousal benefits from a same-sex partner of a Canadian "marriage" because "plaintiff's union is not a 'marriage'" under New York law.

Then in *Gonzalez v. Green*, -- N.Y.S.2d --, 14 Misc.3d 641 (S.Ct. New York Co., Dec. 28, 2006), a divorce case, another New York court held that a Massachusetts same-sex "marriage" between two New York men was void under the laws of both New York and Massachusetts.

Still, the Rhode Island A.G. wrote his footnote 18. Unfortunately for him, virtually every word in that footnote has been overtaken by events. This is another example of the deficiency of the Attorney General's opinion.

B. Rhode Island After *Cote-Whitacre*

New York law was easy, but Rhode Island law was difficult. The Massachusetts judge had to decide whether or not Rhode Island law prohibits same-sex "marriages," and the Massachusetts Supreme Judicial Court (SJC) had given him conflicting instructions about where to look.

Three justices of the SJC said that in deciding about Rhode Island law, a Massachusetts court could look at Rhode Island's Constitution, statutes, and "the home State's general body of common law [to] ascertain whether that common law has interpreted the term 'marriage' as the legal union of one man and one woman as husband and wife." 2006 WL 3208758 at *2, quoting 446 Mass. at 363 (Spina, J., concurring).

Another three justices of the SJC, led by Chief Justice Marshall, said that in deciding about Rhode Island law, a Massachusetts court must find that "the relevant statutory [or constitutional] language of the applicant's home State *explicitly* provides that particular marriages are void." 2006 WL 3208758 at *2, quoting 446 Mass. at 387-88 (Marshall, C.J., concurring) (emphasis added).

Chief Justice Marshall's position is, in our view, an impertinent power grab that ought to be opposed by every State in the Union. First, in the *Goodridge* case, she said that Massachusetts was constitutionally prohibited from limiting marriage to the union of one man and one woman. That was bad enough, but limited to Massachusetts. Now, in *Cote-Whtacre*, she says that the 49 other States will be presumed to approve of same-sex "marriage" unless they have explicitly responded to her *diktat* in *Goodridge*.

This means Rhode Island and her sister States can't just ignore Massachusetts, they must respond affirmatively, explicitly, and promptly. Rhode Island cannot continue to rely on generations of positive law and millennia of natural law, it must act explicitly or Justice Marshall will authorize the marrying of same-sex couples who have gone to Massachusetts to evade Rhode Island law.

The judge of the lower Massachusetts court to whom *Cote-Whitacre* had been remanded decided that he had to follow the concurring opinion of Chief Justice Marshall. He said:

> "[T]his Court will apply Chief Justice Marshall's construction of G.L. ch. 207 [§11] to determine whether same-sex marriage is prohibited in Rhode Island. Accordingly, this Court will find same-sex marriage is prohibited in Rhode Island if same-sex marriage is explicitly deemed void or otherwise expressly forbidden by a Rhode Island constitutional amendment, by a Rhode Island statute, or by a Rhode Island Supreme Court decision.
>
> "Upon consideration of the parties' oral arguments and submitted memoranda, this Court determines that same-sex marriage is not prohibited in Rhode Island. No evidence was introduced before this Court of a constitutional amendment, statute, or controlling appellate decision from Rhode Island that explicitly deems void or otherwise expressly forbids same-sex marriage. . . ." 2006 WL 3208758 at *4.

This opinion raises many questions, but a few of the more prominent are:

- Who was representing the people of Rhode Island in that Massachusetts courtroom? The advocates for same-sex marriage got to argue and file memoranda, as did the government of Massachusetts, but who spoke for 20 generations of Rhode Islanders?[3]

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[3] Rhode Island was not represented, but it appears that the Attorney General of Massachusetts was somehow authorized to wave the white flag on its behalf. Here is what we learn:

> "[I]n his brief to this court, the Attorney General [of Massachusetts] . . . added that two States, New York and Rhode Island, have offered 'affirmative suggestion[s]' through statements of the offices of their Attorneys General, that a Massachusetts same-sex ["]marriage["] of residents of their respective States probably would be recognized." *Cote-Whitacre, supra*, 844 N.E.2d at 653 n. 1 (Marshall, C.J., concurring).

- Why does Rhode Island need an explicit, recent statement on marriage? In the next section of this letter, we will show that Rhode Island law does not permit same-sex marriage, but we cannot point to an explicit provision that says "Rhode Island does not permit same-sex marriage." Until a few years ago, no one would have supposed that such a provision was either (a) necessary, or (b) coherent. Now, Massachusetts judges are telling Rhode Islanders it is necessary indeed – and it had better be explicit.

- Why can't a Massachusetts judge see what everyone else can see, namely, that Rhode Islanders go to Massachusetts for their same-sex "marriages" because it is not possible to obtain one in Rhode Island? Rhode Island law forbids it. We wish the Attorney General had written a memo that said, in effect, "Who should the People of Rhode Island believe, the courts of Massachusetts or their own eyes?"

III. The Rhode Island Statutes

Why can't persons of the same sex "marry" in Rhode Island? To begin with, a license is required, and the licensure statute refers to the "*female* party" and the "*male* party." R.I.G.L. 1956, §15-2-1 (emphasis added). "Both the *bride* and *groom* shall subscribe to the truth of the data in the application" for a license. R.I.G.L. 1956, §15-2-7 (emphasis added). A person performing a marriage where the couple does not have a marriage license can be imprisoned for up to six months or fined up to $1,000. R.I.G.L 1956, §15-3-10.

If a Rhode Island marriage is not successful, grounds for divorce include impotency and adultery, R.I.G.L. 1956, §15-5-2. These terms were used with the knowledge that marriage requires a man and a woman, and that adultery and impotency are problems between men and women. Keep in mind that "impotency" refers to an inability to have sexual intercourse, not to an inability to procreate.

There seems to be very little doubt that Rhode Island requires a man and a woman for a marriage to occur. The Code contains hundreds of references to "husband" and "wife," "bride" and "groom," "male" and "female," "man" and "woman," "mother" and "father," "widow" and "widower," and "spouse."

On page 5 of his opinion the Attorney General refers to Rhode Island's statutes forbidding "bigamous marriages, incestuous marriages, and marriages between two mentally incompetent persons." He gives references to the code in footnotes 9, 10, and 11, but the laws themselves are never quoted. This is regrettable because it prevents a reader from understanding what Rhode Island law actually says.[4]

The sections the A.G. cited are from Title 15, chapter 1 which is titled "Persons Eligible to Marry." This is, indeed, an excellent place to start when trying to understand who may marry in Rode Island. The A.G. cited to §15-1-3 and §15-1-5. There are, in fact, six sections in chapter 1, and every one of them goes *against* the A.G.'s position. The six sections can be combined under three

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[4] The Attorney General never makes reference to the fourth restriction on the capacity to marry, which is age. The relevant statute, R.I.G.L. 1956, §15-2-11, like all of the relevant statutes, contains words that seem to mystify some of our most progressive lawyers. The words are "female" and "male."

headings, incest (sections 1-4), bigamy (sections 5 and 6), and mental incompetency (also section 5). We will focus on the first two.[5]

A. Incestuous Marriages

We hope we don't get tedious with our quoting Rhode Island law, but a reader deserves to know what the A.G. omitted from his opinion. The A.G. merely said that incestuous marriage violates the strong public policy of Rhode Island. We agree with that, but there is a whole forest behind those trees. The incest sections demonstrate that marriage in Rhode Island requires one partner from each sex. The Attorney General missed that truth. Here are three of the four[6] sections on incest:

> "**§15-1-1. Men forbidden to marry kindred**. No man shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother, grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's daughter, sister's daughter, father's sister, or mother's sister."
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> "**15-1-2. Women forbidden to marry kindred**. No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather,

[5] Yet even the section on mental incompetency shows that marriage in Rhode Island requires a man and a woman. The statute reads, "[A]ny marriage where either of the parties is mentally incompetent at the time of the marriage, shall be absolutely void, and no life estate created by chapter 25 of title 33 shall be assigned to any *widow* in consequence of marriage." R.I.G.L. 1956, §15-1-5 (second half of sentence) (emphasis added). There is one species of same-sex "marriage" (male-male) that produces no widows, and another that produces no widowers (female-female). We are confident that Rhode Island legislators were making reference to a species of marriage in which the death of a husband creates only a widow and the death of a wife creates only a widower.

[6] Section 15-1-4 allows marriages "among the Jewish people" within the "degrees of affinity and consanguinity allowed by their religion," notwithstanding the first three sections of the chapter. The provision was applied in *In re May's Estate*, 305 N.Y 486, 114 N.E.2d 4 (N.Y. 1953). The reference to "affinity and consanguinity" when coupled with the sex-specific references in the prior sections only reinforces Rhode Island's rule that marriage requires two persons of opposite sexes.

> grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, or mother's brother."
>
> "**15-1-3. Incestuous marriages void**. If any man or woman intermarries within the degrees states in §15-1-1 or §15-1-2, the marriage shall be null and void."

This is the law of Rhode Island: "No *man* shall marry *his*" 20 closest *female* relatives. "No *woman* shall marry *her*" 20 closest *male* relatives. The A.G. cited only §15-1-3, but didn't quote it, or the two other sections to which it refers. What the A.G. fails to see (or, at least, to tell) is that every syllable in these laws means that marriage in Rhode Island requires two persons of opposite sexes.

These laws also tell us what a "wife" is, and what a "husband" is. A son, for example, can have a wife, but not a husband. There can be a "son's daughter's husband" but not a "son's daughter's wife."

B. Bigamous Marriages

> "**§15-1-5. Bigamous marriages void . . . .** Any marriage, when either of the parties at the time of the marriage has a former wife or husband living who has not been, by final decree, divorced from that party . . . shall be absolutely void, and no life estate created by chapter 25 of title 33 shall be assigned to any widow in consequence of the marriage."[7]

Section 15-1-5 again demonstrates that marriage in Rhode Island requires a husband and a wife. Those who suppose that there can be Rhode Island "husband" who is not married to a woman, or a Rhode Island "wife" who is not married to a man, should refer to §15-1-1 and §15-1-2 (printed above).

Section 15-1-6 is a complex couple of sentences which we are not going to quote, but, like the other sections in the chapter, it uses words which require us to see that marriage is a coupling of the two sexes ("wife," "husband," "issue of the

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[7] A person who performs a marriage between "any *woman* or *man* that he or she knows to have a *husband* or *wife* living" can be imprisoned for up to six months or fined $1,000. R.I.G.L. 1956, §15-3-11 (emphasis added). The penalties for committing bigamy are spelled out in R.I.G.L. 1956, §11-6-1, a statute that includes the words "husband" and "wife" several times, and the words "man" and "woman."

marriage," and "widow"). The section permits some bigamous marriages to be recognized for some purposes, such as to legitimate children.[8]

All of these sex-specific references to marriage were ignored in the Attorney General's opinion. A reader of that opinion would not know that the sections of law he cites to show that Rhode Island has a strong public policy against incest and bigamy are just a few of the many sections of law that show that marriage in Rhode Island requires a man and a woman.

The Attorney General's opinion is blind to the larger meaning of his State's own statutes, and he is absolutely blind to the sexual integration and sexual complementarity that are innate and elemental in marriage. For him, as for the high court of Massachusetts, any two committed adults will do, whatever their sexes. This, however, is not the law of Rhode Island.[9]

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[8] In *Bernier v. Bernier*, 227 A.2d 112 (R.I. 1967), the Court held that although a marriage was legally void for bigamy (under §15-1-5), a child of the marriage was nevertheless legitimate and entitled to financial support from his father. When the parents purported to marry, the child's mother did not know that the child's father was still married to another woman. The ruling was based on a former statute, §15-8-21.

[9] In surrendering up the traditional definition of marriage, the Attorney General's opinion undermines one of the bulwarks against multiple spouses. He has now given his blessing to "married" households where there are *two wives*. Does that set off no alarm bells in the A.G.'s office?

In a recent Rhode Island case involving two former same-sex partners and a child who was born to one of the women during their partnership, the dissenting opinion said that the majority's position will allow a minor child "whose biological mother engages in same-sex unions" to "legally have as many mothers as the biological mother chooses to cohabitate with." *Rubano v. DiCenzo*, 759 A.2d 959, 978 (R.I. 2005) (Bourcier, J., dissenting) (3-to-2 decision).

Just weeks ago a Canadian court declared that a child has three parents: his biological mother; his biological father, a friend of his biological mother's who was never her husband; and the mother's same-sex partner. *A.(A.) v. B.(B.)*, 2007 WL 13114, 2007 CarswellOnt 2 (Ontario Ct. App. Jan. 2, 2007). All of the recent U.S. developments in same-sex "marriage" were first applied by Canadian judges.

IV. Conclusion

There are numerous other points that could be made about the Attorney General's opinion, but we will close with the observation that the A.G. began to go astray when he deferred to Massachusetts on the very definition of "marriage." It is true that Massachusetts judges have ordered the word "marriage" to encompass couples of the same sex, but Rhode Island is entitled to adhere to its long-standing definition, which comports with millennia of law and practice from the four corners of the globe.

This is not a question of which marriages will be recognized, it is a question of what relationships can fairly be called "marriage."

The Attorney General wants to rely on *Ex parte Chace*. Let him consider, then, what the *Chace* court would have said about a "marriage" between persons of the same sex. Surely it would have said that such a coupling is not a marriage at all. Neither the constitution, statutes, common law, nor heritage of the People of Rhode Island would support such a definition.[10]

In sum, we believe that the opinion of the Attorney General was wrong again and again on fundamental after fundamental. As importantly, we believe the opinion failed to defend Rhode Island against the assaults of its bigger and more aggressive neighbor.

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[10] It is not unusual for a Rhode Island court to be faced with words that mean more than one thing. *E.g., Rhode Island Insurer's Insolvency Fund v. Levitron Manufacturing Co.*, 763 A.2d 590, 598 (R.I. 2000) (no binding contract regarding pre-judgment interest because private parties attached "materially different meanings to an essential term"); *Johnson Ambulatory Surgical Associates v. Nolan*, 755 A.2d 799, 809 n. 3 (R.I. 2000) (other jurisdictions have given the term "administrative finality" different meanings); *Telephone Credit Union of Rhode Island v. Fetela*, 569 A.2d 1059 (R.I. 1990) (the word "process" has "different meanings depending on the context, spirit, and subject matter of the statute"); *Ask Properties v. Olobri*, 565 A.2d 873, 876 (R.I. 1989) (the word "accrue" has "many different meanings when used in various contexts"); and *Industrial Park Water Co. v. National Fire Insurance Co.*, 2005 WL 372298 (R.I.Super. 2005) (case law supports two different meanings for the term "legally obligated"). A Rhode Island court is under no obligation to defer to a foreign definition. What Massachusetts means by "marriage" is not what Rhode Island means.