

## MARRIAGE IS NONE OF THE STATE'S BUSINESS

### DEFINE OR RECOGNISE?

Is marriage a union that is to be defined by the government or state or is it something that is recognised instead of being defined?

If it is recognised, then marriage is merely a formality. The marriage ceremony is not a marriage ceremony. It only recognises a marriage that already exists.

Clearly the notion of the state merely having the role of recognising marriage makes no sense. And why would the couple care what the state thinks unless they are looking for benefits from the state?

But what about the idea that the ceremony is required for a marriage to be real and this is what we mean by state or government recognition?

Then surely if a same sex couple for example are closer than most married couples and they go through a wedding ceremony then the state is merely recognising their marriage? We see then that the notion of recognising marriage and defining marriage are compatible - they are not opposites. The argument that the state cannot re-define marriage as between two people no matter what sex they are because the states role is to recognise marriage is incorrect.

### REGULATION OF MARRIAGE

Why does the state feel it has the right to regulate marriage and recognise marriage as valid or real according to its laws? Some say that procreation, the children, is the principle reason why the state must recognise marriage and regulate it. But this implies that the state should not consider a union to be a true marriage unless the couple intend to and do have children. Why not regulate the family and forget about marriage? Regulating a marriage is not the same as regulating the family. Many laws regulate the family anyway. If a family is extremely dysfunctional, it is up to social services to do something and marriage will not make any difference.

The law does decree what is a marriage and what is not. Marriage, if valid, is only valid if recognised by civil law. It can be as simple as signing a partnership agreement or a wedding ceremony. Religious weddings that do not satisfy legal requirements must not be considered to be true weddings. The Catholic Church feels free to let people who are regarded as married to other people by the state remarry in Church resulting in legal bigamy! Marriage is a social matter not a religious one.

Is marriage the partners giving each other the gift of their love and themselves and all that they own? No. It's the commitment that does that not the marriage. Marriage is unimportant compared to the commitment. What is the difference? Marriage is legal, a declaration of law. Law is law and you can't make the law stronger by loving more. Law is law no matter about love. Commitment however is based on love.

You are not more married the more you love. The more you love, the stronger the commitment not the marriage gets.

Marriage is defined by the Christian faith as the lifelong union of one man and one woman for life to the exclusion of any other sexual partners. The state, if it takes seriously the distinction between Church and state, may adopt this definition but will not consider itself bound to it. The Church argues that it is bound to it and must accept that. Thus the Church does not believe in separation of Church and state at least in relation to the definition of marriage. Why then should it believe in separation in relation to anything else then!

For the Church, you do not marry to become happy but to make your wife or husband happy. Marriage is not about you but about the other person and about having children and about doing this for the glory of God.

Assuming marriage, is the business of parliament, then the state rightly re-defines marriage to avoid discriminating against same-sex couples and to give their families the same protection as the families of married heterosexual couples. This is necessary under the legal ethos of "All are equal before the law."

We deep down know and believe that a country can make whatever laws it likes. If the people oppose the laws, they must obey them but work for their abolition. We believe that the law of the land takes priority over other laws such as Church laws. Indeed religion cannot exist unless civil law lets it exist. Talk about separation between Church and state implies that

the state should not interfere if a religion advocates say racism or threatening children with hellfire until they go insane with fear. How do we reconcile our instinct that civil law comes first and should be allowed to interfere with our freedom by making stupid laws with a denial that it should interfere with the freedom of religion? This is a matter for debate and discussion. One thing is for sure, the state needs to keep out of marriage and the Church must stop urging it to interfere.

The practice of the state defining marriage and treating it as a legal institution is a relatively new phenomenon. The United Kingdom only started that in 1837. It never bothered making laws about marriage until the early 1700's. Marriage before that was a common law contract.

## MARRIAGE "CONTRACT" IS REALLY CONTRACTS

Marriage today in the eyes of the law creates contracts based on the following,

- #Next of kin nomination
- #Sharing of property rights
- #Duties of care
- #Parental rights
- #Duty of sex

All of that could be done by signing a private contract. Or perhaps a number of contracts? Of the contracts, the property rights one is essential one.

There is no need for the state to recognise marriage as such. People should sign contracts if they want certain legal protections. They should be able to pick and choose what contracts they make - eg will they have sex, will they own property jointly and so on.

Special rights are given to married couples and that is unfair and against the duty of the law that all are to be considered equal before the law.

For example, inheritance tax exemptions and parental access from marriage need to cease. Also, people need the right to choose what legal arrangements they want in their marriage.

Keep the government out of the laws about marriage, and then couples will decide for themselves what rights they are giving and taking in marriage.

People should not degrade themselves by having a Catholic wedding for that implies support for the principles of discrimination and interference that are enshrined in Catholic marriage. Catholic marriage contracts do not let you select what rights you want.

## WHY THE STATE MUST STOP RECOGNISING MARRIAGE

We protest at the protection the state affords to marriage. Married people gain benefits from the state for being married. The state must cease to look on marriage as a legal contract.

Suppose the state upholds marriage and has laws about it. Let people get married if they wish but no distinction must be made between marriages. For example, a humanist wedding that is not legally recognised must be equalised with a full-blown church wedding that is legalised and which confers legal privileges.

Some say that the best way to make all weddings equal is to legally recognise none of them!

Marriage should be replaced by a property rights contract in which the man and woman agree to own what each other owns. A married couple must be treated as two singles not as a unit. The couple must be treated as two singles living together in a sexual and romantic relationship and not as a unit. There is no need for the state to protect marriage.

As long as some rules are kept in operation there is no problem with a woman maturely having a family outside of marriage. If she takes care to avert the possibility that the children might grow up and unknowingly sleep with their father's other children and makes sure that there is a wide family circle to help her with the children there is no problem. Making an ideal of marriage insults people in her situation.

## MARRIAGE IS A RELIGIOUS SUPERSTITION DESPITE ITS SECULAR ROBES

Marriage flouts the distinction between the Church and State for marriage is a superstition and the state is safeguarding it

though it could safeguard similar arrangements that are not as demeaning and may not do so. The only justification for marriage is that some God commanded it therefore though the state might not realise it, it is giving in to superstition by making it its cornerstone and by looking after it. The state has to forbid fraud but marriage is a fraud so the state should not sanction or guard it. That means when anybody is prosecuted for fraud that the state is persecuting them for it is discriminating against them – some fraudsters get away and some don't just because the state prefers one kind of fraud to the other.

The state is saying the law of the land binds people in marriage. The truth is the law can do no such thing for the law is really just composed of the decisions of fallible men and women and it can be fooled. It is not much of a bind in that case for it rests too heavily on guesses and human opinion.

The state in the past used to obligate people to be members of the state religion and no other. We all agree today that that was wrong. Just because the state protects something or commands something doesn't mean it should. If we can get away with it why should we listen to the commands of the state? If we can live with our partners as if we were married without being married then what's stopping us? The question is, if we go through a marriage ceremony are we obligated by that ceremony and vows to stay with the person we married? The answer is no. It is love, sharing lives together and treating each other reasonably well that obligates us to stay with the person not the ceremony. To deny this is to say that the law really has power to bind one person to another. If you are truly committed to your partner you do not need marriage to express this publically. Marriage cannot make a commitment more committed. Married or not, you can be as committed as ever. If you are committed you are committed.

The laws of the land are only human opinion. God - if there is one - doesn't have opinions. He knows what is what.

Human authority can be fooled and wrong and it cannot bind a man and woman together in matrimony. You need God to bind people in marriage right not the Law for he cannot be fooled and we belong to him and are his property and he has supreme authority. So marriage then is a declaration that the Church should dominate the state and that atheists and Buddhists who do not believe in God should be treated as second-class citizens. It is also a declaration that civil (ie non-religious) marriage should get no protection which is a grave form of discrimination. True separation of Church and state requires that marriage be demoted from its legal status.

To say that God binds my marriage together is to say that it is my belief in God that binds the marriage together. God - to religion even if he exists - is a belief not a person. He might be a person and really exist but it is not him I reach but my belief. I can't get to him. My belief is really God for me and it is my creation so admitting that only God can give a marriage vow authority solves nothing. A marriage I try to give authority to by my belief, deserves less protection than one that gets authority from the state. Also it is human authority that tells us what God says. To believe in the Bible as the word of God is to take the word of the authors and the defenders of the faith for it and is really to believe in them and to put them above God.

## STATE RECOGNITION OF MARRIAGE IS RIFE WITH HYPOCRISY AND CONTRADICTIONS

The state making marriage binding by its decrees is laughable for the state just gives a few benefits for getting married and no penalty for breaking the vows and often gives cohabiters more rights than married couples. It is not a binding together at all when it is treated so trivially. The state does not punish for committing adultery or breaking the marriage vows in any other way. It merely enforces the property rights of marriage. The state does not punish people for "living in sin" though this weakens marriage and the prestige it has. The protection then that marriage gets can be easily withdrawn for it is more than half done away with anyway. The only legal ramification for a marriage breakdown is a loss of some benefits from the state but even that in many countries is minimal. Its a ramification but not a punishment. If it is then some strange conclusions appear. Here is one. If a woman leaves her husband for beating her up she is punished for it by losing whatever benefits come from marriage! In Ireland, live-in-lovers used to be better off than married couples. To leave your lover then is a bigger punishment than leaving her if you are married to her!

The state must be pressured to abandon the concept of the married couple as its foundation and to stop seeing marriage as legally binding. It will be difficult for the state makes a lot of money out of divorce and annulment cases which is probably the reason it is so worried about wedlock. The fact is that people will still go into contracts relating to how property is divided between them and still need the law and to give it hefty fees when there is a dispute and an infringement so money shouldn't be an issue.

When religion claims the right to say that divorce is wrong and that marriage is good, religion is asserting the right to dictate to the state for the state is being accused of being immoral and unjust if it does not protect marriage and does not ban divorce. Most things are right under some conditions so religion can only justify being so stubborn by saying that God told it those things and God knows best for he is brighter and better informed than us. So the state then is to be subjected to the authority of God. In reality it means subjected to the authority of those who speak for God for we never hear the word

of God except through men meaning that it could be their word for all we know. Churches, especially ones like the Roman Catholic Church, that claim to have a superior hotline to God regard it as blasphemy to say such things and to seek to get the state to afford no unique rights to marriage while they themselves commit the following blasphemy: "We do not speak for God or do miracles but God does these things through us". What is the point of saying this when no difference to us is made if it is them or God for we don't know and faiths that contradict them say the same thing? They are trying to deceive us again. Our Lady of Medjugorje take note!

Finally

Marriage does not belong to religion or the state. It preceded them. It belongs to the couple. It does not belong to all married couples but to each couple. If marriage is to belong to the state or the Church, then it should belong to the state more than the Church. We need government but we do not need religion.

It is none of the states business if a couple is committed or not. Thus marriage is not its affair. Let couples do their contracts. There is no need for marriage to be legally binding. The Australian High Court redefined marriage in 2013 as "a consensual union formed between natural persons in accordance with legally prescribed requirements which is not only a union the law recognises as intended to endure and be terminable only in accordance with law but also a union to which the law accords a status affecting and defining mutual rights and obligations." If marriage means that then it is the state's business but many question if that is marriage or just calling a set-up marriage.

#### WORKS CONSULTED

A Catechism of Christian Doctrine, Catholic Truth Society, Westminster, 1985

Believing in God, PJ McGrath, Wolfhound Press, Dublin, 1995

Biblical Dictionary and Concordance of the New American Bible, Confraternity of Christian Doctrine, Washington DC, 1971

Divorce, John R Rice, Sword of the Lord, Murfreesboro, 1946

Eunuchs for the Kingdom of Heaven, Uta Ranke Heinmann, Penguin, London, 1991

Moral Questions, Bishops Conference, Catholic Truth Society, London, 1971

New Catholic Encyclopedia, The Catholic University of America and the McGraw-Hill Book Company, Inc., Washington District of Columbia, 1967

Preparing for a Mixed Marriage, Irish Episcopal Conference, Veritas, Dublin, 1984

Rome has Spoken, A Guide to Forgotten Papal Statements and How They Have Changed Through the Centuries, Maureen

Fiedler and Linda Rabben (Editors), Crossroad Publishing, New York, 1998

Shattered Vows, Exodus From the Priesthood, David Rice, Blackstaff Press, Belfast, 1990

Sex & Marriage A Catholic Perspective, John M Hamrogue C SS R, Liguori, Illinois, 1987

The Emancipation of a Freethinker, Herbert Ellsworth Cory, The Bruce Publishing Company, Milwaukee, 1947

"The Lord Hateth Putting Away!" and Reflections on Marriage and Divorce The Committee of the Christadelphian, Birmingham, 1985

The WWW

How to Fight the Religious Right, Brian Elroy McKinley

<http://elroy.net/ehr/fighttheright.html>