

Church Marriage and State Marriage

A proposal outlining how they could work in parallel

1. Introduction

At a time when the traditional understanding of marriage is under threat from Government legislation and shifting societal attitudes, there would be great benefit to society if the Church would distinguish Church marriage from State marriage and offer this as an alternative – not just in terms of wedding venue, but in the nature of the marriage itself

In this document, we propose the following distinction between a State Marriage and a Church Marriage. A State Marriage is a formal legal contract between any two adults, as it is now being redefined, intended to last as long as both parties remain committed to it. All marriages are State marriages in a legal sense.

However a Church marriage is possible which has additional requirements over and above the State marriage which applies to everybody. It is for those who wish to have a higher level of commitment and responsibility, in the context of a Church affiliation and commitment. The Church marriage is a covenant between a man and a woman made before God with the clear intention of it lasting for life and which should not be dissolved except in a situation of adultery or exceptional immoral behaviour.

The Church in its many denominations has for some considerable time been uneasy that it is presiding over a legal ceremony that is now distant from its own understanding of marriage. Couples coming to be married may not expect to stay together for life and often have little formal preparation for making such a major long-term commitment. Divorce is provided by the courts without reference to fault, so there is no formal deterrent to prevent the couple breaking up when things get difficult.

This proposal has four main objectives:

a) To distinguish Church marriage (or covenant marriage) from State marriage, which is seen as being more in the nature of a contract rather than a covenant.

- b) To enable the Church to offer to the public a form of marriage that reflects its understanding of marriage more adequately.
- c) To help re-educate society about the nature of Christian marriage from a historical and Biblical perspective.
- d) To do everything possible to provide a stable and secure context for the children of the marriage.

2. Essential Features of Church (Covenant) Marriage

- a) A solemn promise is made before God for life, by one man and one woman.
- b) If it is to be dissolved, the cause must be investigated so that if one party has been guilty of adultery, grossly immoral behaviour ('porneia'), neglect, abandonment or abuse, this is established by the Christian community.¹
- c) The Church may not conduct a second Church (covenant) marriage for any person who has been found guilty of 'porneia' in a previous marriage.
- d) Every effort must be made by the couple, by their families and by the church as the officiating institution, to ensure education and support before the marriage service, and on a regular basis following the marriage service, until 'death do them part'.

¹ For Biblical grounds of divorce see Matt. 5:31-32; 1 Cor. 7; Exod. 21:7-11. See also works by David Instone-Brewer. The process of establishing 'fault' by the Church is better to be based on pastoral knowledge and the Church's internal procedures rather than on a formal legal process to avoid exacerbating conflict between the parties and incurring huge costs.

3. Benefits of Covenant Marriage

Security: Covenant marriage benefits both the couple and the children. It provides greater security for both partners in the event that difficulties occur in their relationship, due both to the more binding promises made in the marriage service itself and the additional preparation and support offered by the local church community. Equally, the greater commitment and support for the parents in a covenant marriage increases the likelihood of the marriage staying together, hence benefiting any children through greater relational security and stability.

Accountability: A further benefit to society as a whole, as well as reducing the costs of divorce, is that through a Church (covenant) marriage there would be an important element of accountability for married couples as they are incentivised to go through a fault-based process, run under the auspices of the Church community. This would discourage unfaithful and irresponsible behaviour.

Wellbeing: Security and stability of both partners is an important source of wellbeing, and avoids the pain and distress which almost always is associated with divorce for one or both partners, as well as for their children.

Justice: There would be a greater sense of justice in divorce proceedings, as guilt has to be established by an adjudication body, however messy this is in some cases.

4. Recommendations

- a) All the major church denominations should come together to establish a distinctly Christian form of legal marriage. Couples wishing to marry in a Christian framework would enter a covenant with each other in church. All such marriages would be between one man and one woman.
- b) As churches will be offering two forms of marriage under this proposal (perhaps in a similar way to baptism or thanksgiving for the birth of infants), it will be important that the two marriage services are liturgically distinct so that each reflects the specific nature of the commitments that are being made by the parties.

- c) This Church form of marriage would be based on Christian teaching in the same way in which a Sharia marriage reflects Islamic teaching, and a Jewish marriage ceremony reflects Jewish teaching.
- d) Couples wishing to enter into a Church marriage would be required to take a marriage course prior to the marriage service. The wedding service in the Church of England and the Roman Catholic Churches would satisfy the legal marriage requirements of the State. In addition, the local church would agree with the couple what annual review of their marriage they will conduct.
- e) If couples who have entered a Church marriage suffer a breakdown in their relationship and wish to file for divorce, they would be required first to go through marriage counselling to seek its prevention.
- f) If the couple still wish to divorce after they have received counselling, they would need to go through a mediation process (though not necessarily in the case of desertion or extreme violence). A second covenant marriage where the first spouse is still living would require a Church-approved process that had established whether a second Church marriage was appropriate.²
- g) While the various church denominations would want to agree on certain essential elements as to what constitutes a 'Church marriage', each denomination would probably wish to establish its own mediation process and way to establish fault, as well as defining in detail the exact form of the covenant marriage service for the type of marriage (Church or State) it is conducting.

² To be 'appropriate', the party seeking to marry again would either have to show they were not at fault in the breakup of their first marriage, or there would need to be clear evidence that the person at fault had repented and made a fresh start.