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**Abstract**

A collection of short articles on various technical aspect of marriage and family life and law in the Christian church historically and today

**Keywords:** bigamy, digamy, diriment impediments, divorce, incest, marriage, mixed marriage, nullity

## Bigamy

1 A 'second marriage' contracted before the first marriage has ended by death, divorce, or annulment. Both the W. and E. Church declared such a union to be null and void. Civil law (since 258 CE), canon law (since 1215), and English common law (since 1604) criminalized bigamy, and it remains a crime in much of the non-Muslim world today.

2 Acc. to older usage, the term was sometimes used for remarriage of the widowed, which the W. church permitted but the E. Church prohibited. This was also known as 'serial polygamy' or *'digamy'.

3. Catholic canon law declares it 'clerical bigamy' or 'irregularity' for a clerical candidate, before ordination, to have been married to two plus wives in a row or married only once but to a non-virgin.

See also Marriage.

DDC 2 (1937), cols. 853-96

John Witte, Jr., *The Western Case for Monogamy over Polygamy* (Cambridge, 2015)

## Digamy

Following NT teaching (Matt. 19:9; 1 Cor. 7:39-40; 1 Tim. 3:3-15), the early C. discouraged remarriage for the divorced or widowed, calling it 'digamy' sometimes 'bigamy'. Tertullian and others labeled remarriage 'a crime … worse than adultery,' but the Council of Nicaea (325) and later bodies declared such extreme views as heretical.

The E. C. treated second marriages of innocent divorcees as valid. But second marriages of the widowed were invalid, or at least subject to firm spiritual discipline and different nuptial blessings. Even more suspect were third marriages; and fourth marriages were forbidden altogether by the 10th cent.

The W. C. prohibited remarriage of divorcees until the death of the ex-spouse, and imposed harsh spiritual discipline on violators and illegitimated their children. The RC church today bars such parties from communion. Second marriages of the widowed were always valid, however frequent, but the medieval church often treated them as non-sacramental, and unworthy of priestly blessing; today, such deprecatory views have largely fallen aside. Protestant churches always allowed both widowed and innocent divorcees to remarry, though sometimes with special preparation and liturgies.

St. Paul's instructions that a bishop or deacon must be 'husband of one wife' (1 Tim. 3:2, 12) for long made digamy a disqualification for ordination in the RC church, and for high clerical office in Orth. and Prot. churches, but these impediments are now falling aside.

S. McDougall, *Bigamy and Christian Identity* (Philadelphia, 2012)

J. Witte, Jr., *The Western Case for Monogamy over Polygamy* (Cambridge, 2015)

**Diriment impediment**

In canon and ecclesiastical law, a fact or circumstance relating to a person that invalidates a *marriage, unless a church official grants a dispensation. Diriment impediments include insufficient age, impotency, precontract, abduction, monastic vows of chastity, holy orders, disparity of religion, relations of affinity, consanguinity, or adoption, and prior illicit conduct by the couple. CIC 1083-1094. Medieval canon law added the impediments of extreme duress, fear, compulsion, or fraud in creating marriage as well as mistake about the spouse's identity or virginity.

J. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987)

**Divorce**

The word is used in two senses: (1) *a mensa et thoro*, legal separation from bed and board, but with the marital bond intact, and (2) *a vinculo*, permanent dissolution of the marriage bond, often with a right to remarry.

RC canon law, reflecting NT teachings (Matt. 19:9; Rom. 7:2-3), has long allowed only for separation of a sacramental and consummated marriage, with no right to remarry or cohabit with another. It permits permanent separation for grave causes such as adultery or habitual cruelty or crime. In all other cases, the right to live apart holds good only for so long as the cause remains. Modern RC canon law now allows marriages which are not sacramental (e.g., between two baptized persons in good standing), or are sacramental but not consummated to be dissolved under various headings, incl. the Pauline Privilege. Thereafter, Catholics in good standing are left free to remarry other Catholics. *CIC* (1983), cans. 1141–55.

Both E.Cs and, later, Prot. Cs. accepted both separation and the Roman law of absolute divorce. Innocent spouses would have to prove hard fault (like adultery, desertion, habitual cruelty, or crime) before a duly authorized court or official. But if the divorce decree was granted, the innocent spouse was left free to remarry, at least after a time of healing. The guilty spouse was often forced to support the former spouse and children and could not remarry. Alimony was introduced in the early 17th c. to support innocent wives who did not remarry.

Until the Matrimonial Causes Act of 1857, Eng. common law allowed for divorce only by Act of Parliament, and Eng. eccl. law prohibited divorcees from remarriage. Later state and C. laws gradually extended the grounds for divorce, now including irretrievable marital breakdown, and permitted but did not require C of E priests to solemnize marriages of divorcees. All other W. states and churches have also liberalized their laws of divorce and remarriage, but RC C.s worldwide still formally bar divorce and remarriage, and many Prot. Cs. in the global south have retained hard fault regimes of divorce and limited rights to remarriage.

See also Marriage, Digamy, and Nullity.

1. R. Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge, 1988)
2. J. Witte, Jr., *From Sacrament to Contract,* 2d ed. (Louisville, 2012).
N. Doe, *Christian Law: Contemporary Principles* (Cambridge, 2015).

**Kindred and Affinity, Table of**

This Table, published by Abp. M. Parker in 1563 and printed by custom at the end of the BCP, is based on the degrees of intermarriage prohibited in Lev. 18 and 20 and Deut. 22. It follows J. Calvin's interpretation, namely that marriage is forbidden between any two persons related more nearly than, or as nearly as, any pair mentioned in Mosaic law, in contrast with M. Luther's view, favored by Henry VIII, that only those marriages are forbidden by God's law which are expressly named in Lev. 18. The intention of the Table was to set out clearly the marriages forbidden by Divine law and therefore incapable of being allowed by dispensation. Can. 99 of 1604 gave the 1563

Table canonical authority in the C of E, and although it judged such marriages to be 'incestuous and unlawful, and consequently … dissolved as void from the beginning', at law they were voidable only, until the Marriage Act 1835 brought the State law more nearly into line with that of the Church. In 1946 Can. 99 was amended by canon to allow marriage with a deceased wife's sister (following modern interpretations of Mosaic law), and also with an aunt by marriage or a niece by marriage, thus incidentally bringing the law of the Church into conformity with that of the State. Canon B31 of 1969 added an adopted son or daughter to the Table, and specified that the terms 'brother' and 'sister' included brothers and sisters of the half-blood. Comparable, if not identical rules of consanguinity and affinity are in place in most global Cs. today, and still form the basis of state criminal laws against incest.

E. Carlson, *Marriage and the English Reformation* (Oxford, 1994)

M. Hill, *Ecclesiastical Law* (4th. ed. Oxford, 2018)

**Marriage**

Using the Bible, the early C. taught that God created marriage as a 'two in one flesh' union of 'male and female' called to 'be fruitful and multiply' (Gen. 1:27-28; 2:24). Several early C. Fathers developed St. Paul's teaching that it was better 'to marry than to burn' with lust (1 Cor. 7:9) and that both husbands and wives were to respect the other's sexual bodies and needs and abstain from sex only temporarily and by mutual consent (1 Cor. 7:2-5). Spouses had to love, respect, and sacrifice for each other, as Christ the metaphorical bridegroom had done for the C., his bride. But wives were to be 'be subject in everything to their husbands' as the church was 'subject to Christ' (Eph. 5:21-33).

The early C. called for exclusive and enduring marriages, ideally between two Christians, although it tolerated *mixed marriages with non-Christians, separation of estranged spouses (1 Cor. 7:10-11), as well as divorce for adultery (Matt. 19:3-9) and for (spiritual) desertion (1 Cor. 7:15). Early Orth. canon laws allowed the divorced to remarry, but not the widowed; W.C. canon laws discouraged remarriage for both, and eventually prohibited divorcees to remarry until the death of their spouse, branding it as *digamy (Rom. 7:2-3).

Both Orth. and W. C. canons from the start were united in denouncing prevailing customs of fornication, prostitution, concubinage, mixed bathing, sodomy, contraception, infanticide, and other sex offenses. Sexual morality within and beyond the marital home was critical to a person's spiritual standing in the C., and canon laws, sermons, biblical commentaries, and, later, penitential works all set out increasingly detailed instructions, building on but going far beyond the NT 'household codes' (Eph. 5: 22–6:9; Col. 3:18–4:1; 1 Pet. 2:18 -3:7).

Several early C. Fathers, however, also praised the spiritual virtues of *celibacy and chastity over the carnal activities of sex and marriage, reflecting St. Paul's praise of singleness (1 Cor. 7:7), the celebration of the Virgin Mary, and the Graeco-Roman culture of contemplative asceticism. Early canon laws and penitential writings encouraged sexual restraint if not chastity for ordained clergy, even if married. While several authorities called for clerical celibacy altogether, RC canon law mandated this only in 1123. That mandate remains in RC canon law today, although it is now challenged by the global shortage of priests and the grievous scandal of clerical sexual abuse. Orth. C.s and, later, Prot. C.s encouraged clerical marriage. But the Orth. C. and, later, the C. of E. joined the RC tradition in supporting celibate monastic life, too, for those gifted with continence.

St. John Chrysostom (d. 407) developed the fullest theology of marriage for the early Orth. C., calling it God's natural gift for humanity and a soothing remedy for sexual temptation. He encouraged mutual friendship and fidelity between husband and wife, mutual sacrifice and open communication in their daily lives, and 'equality of dignity' within the marital household. He encouraged the spiritual celebration of weddings, which helped inspire the ornate marital liturgies that became commonplace in Orth. lands after the sixth century and were made mandatory for valid Orth. marriages after the ninth century. Chrysostom's complex theology of marriage as a symbolic bridge between flesh and spirit and between creation and incarnation grounded later Orth. theologies of marriage as 'a sacrament of love.'

St. Augustine (354-430) laid the foundations for the W.C.'s theology of marriage, calling it a good institution for Christians to pursue, even if celibacy might be better for those gifted with continence. Augustine emphasized the public goods of marriage, echoing Aristotle and the Stoics in calling the marital household 'the first natural bond of human society,' 'the first step in the organization of men,' and a veritable 'seedbed of the republic'. He also stressed the private goods of marriage for the family and the church: (1) *proles,* the procreation, nurture, and education of children, which perpetuates the family's name, property, and lineage; (2) *fides,* the fidelity and friendship of spouses, which is the deepest bond between human beings; and (3) *sacramentum,* the earthly expression of the mysterious sacrificial love of Christ and the church, which provides stability and inspiration for the couple, their children, and the church community. These three marital goods, presented in different orders and with ample glosses over the centuries, remains axiomatic for RC theology, catechesis, and canon law of marriage still today.

Building on St. Augustine, St. Thomas Aquinas (1225-74) called marriage an 'office of nature' and a 'sacrament of the church.' As an office of nature, he argued, marriage is subject to natural laws which incline rational humans to form enduring and exclusive marital unions as the best forum for sex and reproduction. Humans have perpetual sex drives, and women are fertile until middle age. They produce tiny, dependent children who need both their mother and their father for a long time. But their fathers will invest in them only if they are certain of their paternity. Rational humans have gradually learned that only exclusive and enduring unions allow for regular licit

sex, paternal certainty, and joint parental investment at the same time, Aquinas argued. This account of the natural foundation of marriage remained axiomatic in RC, and, later, in Prot. and Enlightenment liberal circles alike and is echoed by some evolutionary scientists today.

But nature and reason offer only wobbly norms for marriage, Aquinas and other medieval scholastics argued, which sinful persons will often breach without the further restraint and guidance of the positive laws of church and state. The medieval C. issued extensive canon laws for marriage, basing its marital jurisdiction on an expanded idea of sacramental marriage. When contracted between baptized Christians in good spiritual standing, each marriage embodied the '*mysterion*' (LXX) or '*sacramentum*' (Vulg.) of the spiritual bond between Christ and the C. described in Eph. 5:32. Marital love and fidelity conferred sanctifying grace upon the couple, their children, the church, and the broader community. Unlike the other six sacraments, the sacrament of marriage required no formalities and no clerical or lay instruction, witnesses, or participation. The husband and wife were the ministers of the sacrament, whose consciences instructed them and whose testimony was sufficient evidence to validate the marital sacrament in a case of dispute. Medieval authorities encouraged couples to seek parental consent and witnesses, to publicize their engagement through banns, and to solemnize their union with the blessing of the priest in a C. wedding with Eucharistic celebration. But these steps for valid marriage became mandatory only with the Council of Trent's 1563 decree *Tametsi*, which also formally confirmed the status of marriage as a sacrament.

Both before and after *Tametsi*, a RC sacramental marriage once properly formed could not be broken except by the death of one's former spouse. Only if an authorized church tribunal or official found a *diriment impediment like coercion, consanguinity, or precontract that rendered a purported marriage defective could the union be annulled, and the parties left free to marry another. Only separation from bed and board was allowed a properly married couple, and only on proof of a serious breach like adultery, abuse, cruelty, or criminal conviction by one's spouse.

Building on biblical and patristic sources, the medieval C. set out intricate rules of sexual morality, enforced by C. courts with the aid of secular courts. Canon law prohibited contraception, abortion, infanticide, sodomy, and bestiality as violations of the natural marital functions of propagation and childrearing. It prohibited mixed marriages, polygamy, concubinage, and unilateral divorce as an affront to the marital sacrament and unjust to wives and children. And C. courts ordered spousal and child support for separated couples.

Both canon laws and secular laws also developed intricate rules of marital property and inheritance. The husband made a betrothal gift to his wife and her family. The wife and her family contributed a dowry to the marriage that came under the husband's control, though she retained rights to a 'marital portion' of her dowry, as well as a dower interest in her husband's property if he predeceased her.

Many of these medieval marital laws and teachings remained at the foundation of W. state family law, particularly in RC lands after the Council of Trent in 1563 codified and reformed this medieval marriage law. And much of this Tridentine canon law of marriage remains at the heart of RC canon law to this day, with only modest changes introduced in the CIC 1917 and 1983.

Prot. C.'s accepted a good deal of this medieval inheritance, but also introduced major marital reforms. Martin Luther (1483-1546) rejected the canon law rules of celibacy as a dangerous denial of God's soothing gift of marriage to remedy lust. He called for the dissolution of monasteries and the elevation of the marital parsonage. Luther rejected the C.'s sacramental theology of marriage, arguing that Eph. 5:32 was extolling the mystery (*'mysterion'* in LXX) of sacrificial marital love, not creating a new sacrament on the order of baptism or the Eucharist. Marriage was a natural order of creation and a vital social estate of earthly life, Luther argued. It was open to Christians and non-Christians alike, and the whole community was invested in its flourishing. So, while Christians should marry within the faith, interreligious marriages were valid. While the couple's mutual consent was essential, valid marriages also required the participation of parents, peers, pastors, and political authorities. While Christians should remain married for life, they could sue for divorce in cases of adultery, desertion, cruelty, or crime. While the divorced and widowed should take time for healing, they should remarry, unless gifted with continence.

Having denied the sacramental status of marriage, Luther and other Prots. also rejected the C.'s marital jurisdiction, and instead called for the state to govern family law. Prot. rulers issued massive new family laws in response, leaving the church only to conduct weddings and to provide pastoral care. These new Prot. state laws adopted most traditional canon law rules on marital property and inheritance as well as most traditional sex crimes, which they amended and punished with startling severity. But, reflecting new Prot. teachings, these new state laws also called for mandatory parental consent, two witnesses, civil registration, and church consecration for valid marriages, striving to replace clandestine marriages with communal investment in each marriage. They strongly encouraged clerical marriage and gave special support and status to the marital parsonage. They greatly reduced the impediments that had obstructed access to marriage, and they greatly simplified the annulment process. Many Prot. states mandated church weddings in public celebration of a marriage, but also provided special liturgies for interreligious marriages. They allowed for divorce on proof of serious fault in a state court, and remarriage at least for the innocent party.

Reformed Protestant communities adopted similar legal reforms, based on the biblical idea that marriage was an enduring covenant between a man and a woman. John Calvin (1509-1564) noted that the Bible speaks of marriage only once as a *mysterion* -- which he believed the Vulg. mistranslated as *sacramentum*—but twenty times as a "covenant" (*berit; foedus).* The OT prophets, Hosea, Isaiah, Jeremiah, Ezekiel, and Malachi all analogized Yahweh's covenant with his chosen people of Israel with the marriage of a husband and wife. Each was formed by proper courtship, public proclamations to the community, and religious ceremonies presided over by religious

official. Each triggered mutual performance by both sides and could end in the event of breach. The Prophets depicted Israel's covenant infidelity as adultery, with God suing them in a metaphorical divorce court, while also calling them to repent, reconcile, and return to covenant fidelity. Calvin, Heinrich Bullinger (1504-1575) and other Reformers used this covenantal teaching to develop an integrative Protestant theology and law of marriage that had wide currency in Protestant C.'s and states worldwide.

C. of E. reformers like Thomas Cranmer (1489-1556) and Thomas Becon (1512-67) described the marital household as 'a little commonwealth' created by God to foster the mutual love, service, and security of husband and wife, parent and child. It also served as a 'seedbed and seminary' of the broader commonwealth to teach church, state, and society essential Christian and political norms and habits. To call marriage a 'little commonwealth' served to rationalize the traditional hierarchies of husband over wife, parent over child, C. over household, state over C. But it also signalled the foundational place of the household in 'the great commonwealth' of England, and the public need for marital stability and proper family function. Moralists and household manualists expounded at great length the reciprocal duties of husband and wife, parent and child, and master and servant that would produce a well-ordered little commonwealth.

After piecemeal experimentation with Protestant marriage reforms before 1560, England largely returned to the pre-Tridentine canon law of marriage. Several new laws of church and state, however, particularly the 1604 ecclesiastical canons and Lord Hardwicke's Act of 1753, called for parental consent, witnesses, state registration, public banns, and consecration of all marriages by an Anglican parson. These laws also allowed for restricted divorce in cases of severe fault, but this required an Act of Parliament. Separation of bed and board with no remarriage remained the real option for estranged couples, and early 17$^{th}$ c. laws, for the first time, allowed church courts to order a delinquent husband to pay alimony to his estranged innocent wife. These marital laws remained in place in England until the sweeping reforms of 1857.

From the mid-16$^{th}$ to mid-19$^{th}$ centuries, these RC, Prot. and C. of E. teachings lay at the heart of W. marriage life, lore, and law. RC sacramental teachings flourished in Spain, Portugal, France, Italy, and parts of eastern Europe, and their many colonies in the Americas and Africa. A Lutheran social model of marriage dominated Germany and Scandinavia together with their North American and African colonies. Calvinist covenant teachings on the family came to strong expression in many pockets of Europe and Great Britain, and their colonial outposts in the Americas, southern Africa, and southeast Asia. C. of E. teachings prevailed in England and its global colonial and later commonwealth empire.

As Western Enlightenment liberal reforms of sex, marriage, and family life became more prominent and pressing, modern W.C's gradually reformed their theological and legal teachings on marriage, although unevenly and with both strong reformers and dissenters within their ranks. In the later 19$^{th}$ and early 20$^{th}$ centuries, most (married) women gained fuller equality and rights protection both in their public

and private lives, including rights to suffrage, education, private contracts, marital property, child custody, and more, although RC, Orth., and some Prot. C's still refuse women's ordination. Most children gained stronger rights, protections, and state services, regardless of race, gender, religion, culture, or birth status, although some Prot. and Orth C.'s continue to resist the idea of children's rights and to penalize non-marital birth. Most states, particularly in the aftermath of the American and French Revolutions, assumed principal legal control over marriage and family, truncating the remaining marital jurisdiction of the RC and C. of E. courts. Today RC, Orth., C. of E. and some Prot. C.s have all retained internal church laws and tribunals to govern the marital lives of their voluntary faithful, and faith-based arbitration of marital disputes is on the rise. But the modern W. state dominates marriage law.

In recent decades, the C. has faced massive challenges born of the sexual revolution – the decriminalization of adultery, contraception, abortion, non-marital cohabitation, sodomy, same-sex intimacy, and prostitution in many places; the rise of same-sex marriage, civil union, and domestic partnership alternatives to marriage and the growth of a post-marital culture; the growth and cultural celebration of promiscuity, pornography, artificial reproduction, extramarital sex, non-marital birth, same-sex unions, LGBTQ identity, pansexuality, and more. Several C.'s have been further roiled by massive scandals and criminal prosecution for clerical pedophilia and cover-ups by church leaders, as well as sexual and psychological abuses by pastors, counsellors, teachers, coaches, and charity workers in religious organizations.

Some C.s have been at the forefront of the sexual revolution and advocated and embraced at least some of the new sexual norms, while offering innovative theological arguments in support of them, particularly same-sex marriage, which has dominated theological discussions. Some C.s have largely gone with the cultural flow on issues of sexuality and sexual liberty, with or without much change to their official teachings. Some C.s have retained or reemphasized strict standards of traditional sexual and family morality, with internal church laws holding their congregants to these standards as a condition for leadership, if not membership. In the Global South today, many C.s hold to the traditional family teachings of early modern Protestantism and Catholicism, sometimes blending them with traditional marital rules and rituals surrounding polygamy, gender relations, child initiation, and more. Global RC, Ang., Methodist, and other Prot. denominations are now clashing sharply, and sometimes dividing, over these vexed issues, with same-sex relations, polygamy, and patriarchy the most controversial issues.

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**Mixed Marriage**

A marriage between baptized Christians of different denominations or of a Christian and an unbaptized person. Always discouraged (per 1 Cor. 7:15), and sometimes prohibited in the history of the C., mixed marriages are now subject to variant treatment. E. C's. allow mixed marriages only with other Trinitarian Christians, and only with the bishop's dispensation and an Orthodox wedding. RC's allows a Catholic to marry another Christian or non-Christian, if the parties receive express permission and instruction of the diocesan bishop or his delegate. Such marriages may be solemnized by a minister of another Christian denomination, using their liturgy. Protestant and Anglican churches allow mixed marriages, albeit often with tailored premarital counseling and wedding liturgies.

Gregg Roeber, *Mixed Marriages* (Yonkers, 2018).

**Nullity**

In law, nullity generally means the absence of legal validity from an act or contract, owing to the omission of an integral requirement or the presence of a fatal flaw.

Building on medieval jurisprudence, RC canon law today has elaborate rules, and a global system of ecclesiastical tribunals to decide on the nullity of *marriages. *CIC* (1983), cans. 1056–60 state that a purported marriage can be annulled if it lacks certain formalities, features a *diriment impediment, or was formed without true mutual consent. Provided that at least one of the parties acted in good faith, the union is a 'putative marriage', and the *children are considered 'legitimate', even after annulment. The couple may request validation of their putative marriage by a bishop's dispensation. If the union is annulled, however, each party is free to form a sacramental marriage with another.

In England, after the Reformation, church courts adjudicated cases of nullity, using medieval canon law rules amended by Parliament. Since 1857, civil courts have exercised marital jurisdiction. By the Matrimonial Causes Act 1973, and its amendments, a marriage may be declared null if it is either void *ab initio* (within the prohibited degrees, either party under 16, lacking certain formal requirements, bigamous, or the parties not respectively male and female), or is voidable and one party sues for annulment (not consummated through either incapacity or willful refusal, defective consent, mental disorder, or undisclosed infectious venereal disease or pregnancy by another man at the date of the marriage). Subsequent Parliamentary Acts have strengthened the rights of citizens to marry, including the Marriage (Same Sex Couples) Acts 2013 and 2014 which extended this right to same-sex couples in England, Wales, and Scotland. But Parliamentary Acts of 1937, 1965, 1986, 2002, and 2014 have also protected the right of conscientiously-opposed C of E clergy to refuse to solemnize the marriage -- or to allow a wedding in their sanctuary -- of a previously married person whose former spouse is still living, of a suspected transgendered party, or of a same-sex couple. In England, the C of E still regards same sex marriages as null, and its clergy are not permitted to solemnize such unions or allow their celebration in a C of E sanctuary. The topic has deeply divided the Anglican communion worldwide, however, with North American Episcopal churches openly celebrating such unions, and many Anglican churches in the Global South firmly opposing them.

While most Protestant churches worldwide leave decisions of nullity to the state, they, too, are sharply divided over whether same-sex marriages allowed by the state are valid in the church and can be celebrated by clergy and in church sanctuaries. Global Methodist, Lutheran, Baptist, Reformed, and Presbyterian churches are splitting over the celebration of same sex marriages and the ordination of married gay clergy. Church prohibition or recognition of *bigamy will soon raise comparable issues.

1. S. Brown, *Marriage Annulment in the Catholic Church* (3rd ed. St Edmunds, 1990).
2. M. Hill, *Ecclesiastical Law* (4th ed., OUP, 2018)
3. W. Kennet, 'The Place of Worship in Solemnization of a Marriage,' *Journal of Law and Religion* 30 (2015), pp. 260–94