

The Solemnization of Marriage: Or, My Mom the Felon

Editor's Pick. Written by Sarah Skwire.

The state has a long history of involving itself in the spiritual practices of its citizens. The English Reformation, the time period with which I am the most familiar, is filled with such moments. For example, in 1536 Thomas Cromwell, Henry VIII's first minister, vicegerent in spirituals and vicar general of the newly created English Church, began to issue injunctions to the clergy of England. Among other things, they were to defend royal supremacy and abandon pilgrimages. His 1538 injunctions encouraged iconoclasm—the destruction of images of saints in sculpture or painting—prohibited the burning of candles for saints and for the dead, and required that an English copy of the Bible be put in every church for parishioners. The Elizabethan Act of Authority (1559) forbade the use of any prayer book but the approved Book of Common Prayer.

Indiana, at the moment, is having a reminder of precisely this sort of spiritual meddling by the state. According John Murray at the Indianapolis Star the laws that are causing the furor “generally address perjury on a marriage license application and attempts to perform marriages not allowed by law.” While the laws have been on the books in Indiana since 1997, at least, they are receiving renewed attention because of the contemporary legal debate over same sex marriage. My interest in the law is particularly focused on section 7, which states that a person who “knowingly solemnizes a marriage of individuals who are prohibited from marrying” can be hit with a 180-day jail sentence or \$1,000 fine.

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