

# On Why the Institution of Marriage Refuses to Fade and Die and What Humanists Should Do About It

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Prior to the liberalization of divorce laws in Canada and the US, Frank Sinatra crooned that love and marriage went together like a horse and carriage. The spike in female initiated divorces that followed the liberalized Canadian Divorce Act of 1968 seemed to support an alternate view that marriage was a legal contract cementing female subjugation and many women wanted out. Those of us who marched with Women's Liberation expected the institution of marriage to decline and die with the advent of gender equality. Fifty-odd years later the surprising vitality of the institution hints at something that transcends legally binding contracts, and humanists outside of Ontario may wish to consider that we have missed something by relying on provincially mandated marriage officiants.

Ontario humanists have the authority to perform marriages that are legal as well as meaningful while in the rest of the country those wanting a civil ceremony rely on provincial legislation governing civil marriage. I am a Saskatchewan marriage commissioner and, stripped to its essentials, marriage commissioning is soulless. There are only three requisites for every marriage officiant ceremony: the cou-

ple has to declare that they know of no reason why they cannot be lawfully wedded, they have to declare that they take the other as their legal spouse, and they have to listen to the commissioner declare them to be married by the power of the relevant provincial legislation. This has to be done in front of two witnesses who are at least 18 years of age and sober. In essence, the marriage commissioner is a clerk who is paid a nominal sum to file the appropriate signed documentation. Anything the marriage commissioner does beyond this is optional.

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I do humanist weddings in the boreal forest of northern Saskatchewan. Retracing the route of the old *coureurs des bois* (by air) in 2003, I landed in the valley of the mighty Ottawa to learn the ceremonial secrets of the humanists of Upper Canada. In 1993, the Humanist Association of Ottawa had completed an application under the marriage act of their province, skillfully interpreting humanist beliefs and practices to meet the categorizations required for processing. Perhaps due to a fortuitous interpretive precedent not present in other jurisdictions, the application was approved three years later. The program was transferred to the national body that incorporated, regulated and



*Happy day!*

*Lloyd Robertson, humanist officiant, performs the wedding of Heather and Ryan on the shores of Lac La Ronge, northern Saskatchewan.*

*[Photo courtesy of Lloyd Robertson.]*

trained officiants under the leadership of Simon Parcher.

These officiants are not mere clerks who scrape away the religious symbolism to expose its bare contractual elements! Humanist officiants meet with prospective couples beforehand to co-construct individualized weddings with a vision of a secular spirituality encompassing love, commitment, vision and community. They performed over 600 such weddings in 2014, while in the rest of the country only three people are licensed to perform weddings who have received humanist officiant training. Before examining why I think this is unfortunate for humanism in the rest of the country and what we might do about it, let's examine why the 1960s materialist analysis of the institution was mistaken, and why marriage is of continuing importance to peoples' lives.

### **New Wine in Old Bottles: The Changing Face of Canadian Marriage**

#### *Reflections on Marriage from Northern Saskatchewan*

Sparsely settled and overwhelmingly aboriginal, northern Saskatchewan may seem to be an unlikely place to answer questions about the evolution of modern marriage, but its continuance in this cold climate is testimony to its endurance. The first church in Saskatchewan was built in the northern com-

munity of Stanley Mission in 1851, so, effectively, the institution of legally recognized marriage in this territory dates back to that time. The background of the people I marry often reflects a colonial status dating back to the era of the fur trade.

I marry Catholics. While Stanley Mission and the Lac La Ronge Indian Band were designated Anglican by the first Department of Indian Affairs, most of the rest of northern Saskatchewan was designated Roman Catholic. The priests effectively controlled these communities until the 1970s when an NDP government established competing northern municipal councils. While southern Canadians and US Americans may have their marriages annulled, this effective doctrinal modification essentially applies to only 4% of the world's Catholics (Ray, 2009). It does not apply to the north and most third world countries. But why would divorced Catholics want a wedding that their church will not recognize?

A group for whom I commonly perform weddings might be described as Native Spiritualist, a form of native spirituality in competition with Christianity (Robertson, 2014). By referencing cultural artifacts and memes, not as dogma but as symbols of love and commitment, it is possible to incorporate aspects of native spirituality into a humanist wedding. Dress, the medicine wheel, even the burning of sweet grass can be viewed as such cultural manifestations. Yet native spirituality in neither religious

nor secular forms has an injunction to marry, so why bother?

I perform weddings for people of mixed religious backgrounds who see a secular humanist wedding as a compromise between competing faiths. I am sure the ministers and priests who often rail against atheists and humanists would have difficulty understanding how we represent a compromise; however, many of their congregations see in our ceremonies something fundamental that transcends religious belief.

I perform weddings in some of the most poverty-stricken communities in Canada. For these people a big wedding with a banquet, even when supplemented by fish and wild game, is a substantial investment. Some of these people have spent decades “partying” whenever finances permitted. They tell me they want to change, to form partnerships to successfully raise their children. I have watched couples from this subculture give up the partying lifestyle, work at low-paying jobs outside of their communities because often there are none in their communities, arrange for child care with extended family members because daycare is not affordable, and succeed in giving their children opportunities that they themselves never had. I believe the marriage ceremony is a factor in their success, a signal that they have decided to change themselves, that the change is real, and that their families and friends need to respect that change. This dynamic involves legitimizing an internal change to the self.

Love occurs when the well-being of another person becomes essential to your own. If we picture the self as an interlocking set of cultural memes (Robertson, 2010), then love occurs when memes representing the self of another are incorporated into our own. Once the

self is fully developed, usually by late adolescence or early adulthood (Harter, 2012), further planned change, called transitions in psychology, may not feel authentic or “real.” Ceremony is one way we humans have of authenticating change to the self. For many couples a public declaration to each other of their love and commitment solidifies a change to themselves that

has already occurred. To be effective, such ceremony must resonate with the selves of the couple being married. On what basis do clerks perform such ceremonies?

### **Redressing the Failure of Statist Secular Marriage**

The institution of marriage has not died because it speaks to a need for ceremony in the self-maintenance of our lives. Public ceremony with vows that

are deeply felt counts as psychological evidence verifying planned transitions. While there are probably many marriage commissioners who, on their own, have found ways of integrating the individual values and worldviews of their clients into the weddings they perform, the minimalist approaches of the provinces guarantee inconsistency. Marriage commissioners are left to their own devices and receive no mandated training for their services. Further, given that they are limited to a set remuneration consistent with their clerking function (in western Canada, \$75), they have a financial disincentive from going beyond basic legal requirements. In contrast, we need to affirm our commitment to supporting the humanist self.

Secularists everywhere should have the opportunity to participate in meaningful ceremony, but under the provincial marriage acts they run a risk of being short-changed. Religionists who have traditionally run this country have been allowed to define secular marriage, and they

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have done so in the most barren way possible. By performing our own ceremonies, we could ensure that humanists and secularists are able to obtain meaningful services respecting diversity. Humanists in Quebec and British Columbia have applied under the marriage acts of their respective provinces to perform weddings but have been denied on the grounds that they do not, fundamentally, represent a religion. In both cases lawyers have been retained to prepare appeals under human rights legislation. There may be another strategy.

The officiant model as applied to Ontario was accomplished through a convergence of social and individual factors not immediately available elsewhere, but it is not a provincial program. It is part of a national program of Humanist Canada that is licensed to perform weddings in one jurisdiction. The regulations under the marriage acts of the various provinces generally contain a provision that national organizations with a local membership who are recognized by at least one other jurisdiction may be recognized to perform the same service locally. The wording varies by province along with specific requirements for the number of local members and the years the national body has been offering the service; however, this mechanism avoids the necessity of a local organization having to prove it is equivalent to a religion.

Ideally, secular organizations require a category separate from religion in legislation governing the performance of weddings. This, of course, would require a change of legislation in each jurisdiction. We are not yet ready to initiate the lobby effort that would require.

The regulations governing marriage commissioners vary by province. The Manitoba regulations are sufficiently flexible that humanists in that province are quite happy with the service. Two commissioners who are members of the Humanists, Atheists and Agnostics of Manitoba provide ceremonies similar to those of recognized officiants. At the other extreme, British Columbia commissioners are restricted in what they can say in ceremonies, are not allowed to have other employment, and can only charge \$75.00 per wedding regardless of the ser-

vice provided. One humanist from that province who performs weddings resigned his commission in frustration and now offers his services as a wedding planner. He brings in a marriage commissioner to perform strictly clerking duties as required. To my surprise, I learned that Nova Scotia does not have marriage commissioners at all. Surely that points to a massive unmet need.

It is not likely that one national strategy will meet the needs of humanists in every jurisdiction. A flexible approach supporting local organizations with their goals and priorities is required. By providing research, education, and organization Humanist Canada will be able to encourage the establishment of basic standards of service. We can encourage those currently recognized to perform civil ceremonies to provide meaningful humanist weddings, and we can provide the training to help them do so. We can alert people to the self-development needs of wedding partners and ways in which those needs may be met. We can participate in campaigns to alert civil authorities and the public to the value of providing meaningful secular weddings. •

## References

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