The Secularization of Marriage and its Effect on the Separation of Church and State: A Legal Analysis of the Influences of Christianity on Moral Law

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Abstract

The separation of church and state is one of the most vital pillars of a democracy so diverse as the one upheld in the United States. With hundreds of religions varying in values, practices, and gods, it is essential to protect the rights of those both with and without faith, and this can only be done with a thorough divide between religion and the law. Unfortunately, through an in-depth analysis of this country's legal and judicial history it is clear that where a tall and impenetrable wall should stand between these two societal facets, a wispy and broken divide exists instead. The Founding Fathers prided themselves on their fierce defense of religious freedoms, but in practice favored the Christian faith of a single Holy Spirit. This bias is made apparent through the various acts, state laws, and Supreme Court decisions instated over multiple decades. The Christian ideal of marriage as a means for sinless procreation was upheld by the Supreme Court case of *Skinner v. Oklahoma* and the Comstock Laws. The Dawes Act of 1887, along with *Reynolds v. United States*, supported the Christian belief of monogamy as the only holy union. Multiple Supreme Court cases used Christian religious texts to withhold marriage rights from homosexual couples, and states took years after the legalization of marriage to implement non-religious no-fault divorce laws. Through each court ruling and state or federal law enacted, it is unquestionable that the legal unionizing of American citizens in marriage works only to acknowledge those of Christian faith through the upholding of Christian values of monogamy, heterosexuality, chastity, and fidelity. These undue preferences for a single religion in the legal system is a blatant display of the weakness of the United States' separation between church and state, a weakness that must be both acknowledged and reconstructed.

Introduction

The most important value in the United States of America has and most likely will always be freedom. The founding of this country was based primarily on the freedom of religion. In order to protect this freedom, the Founding Fathers established the separation of church and state, which required the law to rule without bias towards any one religion or denomination. However, as the integration of marriage into legal regulation commenced, several laws and Supreme Court decisions held partiality towards Christian definitions and values, as seen through the laws and precedents concerning polygamy, homosexuality, divorce, fornication, and adultery. Through the analysis of a multitude of court cases, laws, and acts, it is clear and indisputable that marriage has crippled the separation between church and state by demonstrating undue inclination to the Christian religion in its state and federal regulations.

English Influence

When the pilgrimaging Englishmen first established the colonies in America, they brought with them the ruling of England and, as a consequence, many of her values and ideals. One of the strongest amongst said ideals was England's drive for national unity through an official state religion. The country established the Anglican church to which all citizens were required to attend and pay tithes[1]. The colonists fled England in search of freedom from this religious monopoly, so when they finally came overseas, they were quick to establish their own religious institutions, whether they be Anglican like their home country, or another sect. Although each colony had its separate denominations, they all would maintain the concept of a

[1]Carl H. Esbeck, "Dissent and Disestablishment: The Church-State Settlement in the Early American Republic," (Brigham Young University Law Review, 2004).

singular religion, making churchgoing mandatory for Sundays and Holidays and instating the mandatory tax to the church[2]. Along with the founding of the American colonies came the imperialization of the Native Americans through religious conversion. A historical recount of the converting states, "Catholic missionaries from Spain and France operated in areas such as the Canadian border, the Great Lakes, along the Mississippi, Florida, and the Southwest, paralleling the efforts of English Protestants in their efforts to convert Native Americans to their faith."[3] Some colonies, most notably Virginia, mandated their own teaching of Christianity to several Native American children in order to encourage the entire tribe's conversion to European faith.[4]

Over the next fifty years, the colonies moved towards more secular governments as they deviated from the ways of England. From this disestablishment, a certain population of "free-thinkers" emerged, forming the concept of church and state segregation. Most prominent amongst these men were Roger Williams and Thomas Jefferson. Williams, famous for coining the analogy of the "wall of separation," inspired Jefferson's iconic letter to the Danbury Baptists which officially established the tenets of secularization.[5] Jefferson believed, along with many others, that religion existed solely between a man and "his God," and wrote in his letter, "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State."[6] This letter still serves today as the main manifestation of the principles of secularization. Along with the free-thinkers' argument of religious freedom, the theory of a "free marketplace of religion,"[7] was

[2] "Key Dates in Colonial American Religious History." Facing History and Ourselves.
[3] "Key Dates in Colonial American Religious History."
[4] Hamilton J. Eckenrode, *Separation of Church and State in Virginia.* (Virginia State Library, 1910).
[5] "Key Dates in Colonial American Religious History."
[6] "Letters between Thomas Jefferson and the Danbury Baptists." Bill of Rights Institute.
[7] "Key Dates in Colonial American Religious History."

established, which claimed that in a country with so many different faiths, no single religion could plausibly hold steady as the state's religion. Nicholas P. Miller, a respected church historian, writes on this concept in his novel, *The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State*, "the growing multiplicity of religious opinions made it necessary, in order to maintain peace, for all views to compete freely and equally in the public arena. The fact of so much diversity made the establishment of any one view impractical."[8] Without being able to unite on one faith, separatism would disallow the legalization of any religion. This notion was written into the First Amendment of the United States' Constitution, which declared that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."[9] From this proclamation, it is clear that the Founding Fathers established the United States of America with the intention of having a clear and impenetrable wall between religion and the law.

History of Marriage

One of the most practiced traditions of all religions is the ceremony of marriage, of uniting two souls under a higher power. The earliest appearances of marriage can be traced all the way back to 2350 B.C. The union emerged as a way to legally bind a woman to a man as his property and to make their sons legitimate heirs under the law.[10] It was not until the institutionalization of the Roman Catholic Church that marriage took on its religious form, and

[8] Nicholas P. Miller, *The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State.* (Oxford U.P, 2012).
[9] "Amendment I." (Running, 2006).
[10] The Week Staff, "The Origins of Marriage." (The Week, 2007).

then the Council of Trent in 1563 wrote, "Canon 1. If anyone says that matrimony is not one of the seven sacraments of the evangelical Christ the Lord, but has been devised by men in the Church and does not confer grace, let him be anathema,"[11] cementing it into religious law. From that point on, the marriage of a man and a woman was a solely religious and sacred union. The Old Testament defines marriage in its story of Genesis by stating clearly in 2:24, "For this reason a man shall leave his father and his mother, and be joined to his wife; and they shall become one flesh."[12] According to Christianity, marriage was a holy unification of the bodies of one man and one woman. Yet as civilizations grew and evolved, marriage grew with it, until it was ubiquitous amongst European nations. It followed the pilgrims to America and was a necessary part of their society as well. Because of the immense percentage of the world that believed in and practiced marriage, holy matrimony inevitably began to transition into secular life.

There was never a time in American history when the state wrote a legislation strictly about the legalization of marriage; marriage was a purely social and religious union that had no state regulation. That was until 1913, when marriage was first officially recognized in a federal tax document. The population was divided into two groups, married or single, however the differentiation had no effect on taxes until the Revenue Act of 1918 when a joint return for married couples was adopted. The Tax Reform Act of 1969 had the largest effect based on marriage as it separated Americans into four categories of single and married types, each with a different liability based solely on the taxpayer's former and current marital status. Essentially, married couples could file joint taxes and receive a tax bonus, paying less money to the state, which created a secular incentive towards marriage. Michael Mess attempts to explain the

[11] Henry Joseph Schroeder, *Canons and Decrees of the Council of Trent.* (TAN Books, 2011).
[12] *Holy Bible: Containing the Old and New Testaments: King James Version.* (American Bible Society, 2010).

reasoning behind the incentive in his journal, *For Richer, For Poorer: Federal Taxation and Marriage,*

> A common justification for the tax benefit provided to married taxpayers is that marriage increases family responsibility and necessitates the lower tax liability. The problem with this rationale, however, is that the benefit is given to all married taxpayers, irrespective of any actual increase in responsibilities, such as the existence of children. Rather, the mere performance of a marriage ceremony provides the tax break.[13]

It was not until the late 1900's that the Supreme Court even denoted the phrase "right to marry," however as the years went on the right to marry was eventually recognized by the Court as an essential, constitutional right. The Court proclaimed that it was the responsibility and privilege of the States to regulate how one could marry, however, the right to marry was a non-negotiable freedom that the Supreme Court stood to protect in its cases.[14] Whom was worthy of this right was left to the interpretation of the Courts.

Marriage Processes

Marriage today is an extremely complex and varied system. Because the Supreme Court delegated marriage law to the states, there is no federal process for getting married, and each state has very different laws. In order to legitimize marriage on a national scale, a marriage in one state must be recognized by another. This is said to be supported by the Full Faith and Credit Clause of the US Constitution, which states, "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved,

[13] Michael A. Mess, "For Richer, For Poorer: Federal Taxation and Marriage." (Catholic University Law Review, 1978).
[14] Lynn D. Wardle, "Loving v. Virginia and the Constitutional Right to Marry, 1980-1990." (Howard Law Journal, 1998).

and the effect thereof."[15] Although each state has different laws and regulations for marrying its citizens, they must treat the union as legitimate, even if in accordance to their laws it would be negated. As stated previously, the states have very different and specific laws, however the general process for getting married is the same throughout;

> You need to obtain a marriage license from your county clerk and pay the clerk a fee. As long as you and your spouse meet the requirements, your marriage license should be granted. You can then proceed with your ceremony. The officiant has the duty of filing your marriage certificate with the applicable recording agency in your county. If they don't do, it doesn't invalidate or nullify your marriage; it just may make it harder to document your marriage.[16]

The requirements for the marriage license are fairly standardized. First, both parties—groom and bride—must be over the age of 18 years or have a legal guardian's consent for the union. Neither party can be currently married to another person and the couple cannot be closely related, although some states still allow first cousins to wed. Once the license is acquired, there is a certain waiting period, which varies between the states, before the couple can conduct their ceremony. These wait-period laws are usually between twenty-four and forty-eight hours and put in place in order to protect the sanctity of marriage from sacrilegious "shot-gun" weddings. During the ceremony, at least four people over the age of 18 must be present: the wife and groom, the officiant, and a witness.[17] The Ceremony can be either civil or religious, and there is significant leniency as to whom is authorized to ordain a wedding. Section 206(a) of the Uniform Marriage and Divorce Act states, "A marriage may be solemnized by a judge of a court of record, by a public official whose powers include solemnization of marriages, or in accordance with any mode of solemnization recognized by any religious denomination, Indian Nation or

[15]"Article IV: Section I." (Running, 2006).
[16] "Legal Marriage Requirements FAQs." Findlaw.
[17] "US Marriage License Laws." (U.S. Marriage License Laws).

Tribe, or Native Group."[18] However, many states also authorize any officiant who files on a state website. The Uniform Marriage and Divorce Act goes even further to claim that "The solemnization of the marriage is not invalidated by the fact that the person solemnizing the marriage was not legally qualified to solemnize it."[19] In other words, even if you get married outside of the law, the law must still recognize your marriage. After the ceremony has been conducted, during which the couple exchanges vows of matrimony and the officiant declares them wed, all four people must sign a marriage certificate affirming the union. The document will serve as legal proof of the marriage once it is sent in to the county clerk. However, as stated previously, not having proof of a marriage does not nullify it.[20]

Upholding of Christian Values

Supreme Court Rulings

Throughout the history of the United States, the Supreme Court has had a consequential authority on marriage regulations through their rulings that have determined the nature of marriage. There are several tenets of Christianity that have been protected by the Supreme Court through its historic rulings on marriage law cases, sending a very clear message to Americans that marriage is a religious function, even though it has been secularized. It is a known Christian value that marriage must precede sexual relations, and that marriage is the basis for familial establishment and procreation. Certain sects of Christianity are against contraception or sex without the intention to procreate because they hold the firm belief that sex plays only one role in

[18] Robert E. Rains, "Marriage in the Time of Internet Ministers: I Now Pronounce You Married, But Who am I to Do So." (University of Miami Law Review, 2010).
[19] Robert E. Rains, 2010.
[20] "US Marriage License Laws."

society, to further the human race.[21] In the influential case of Skinner v. Oklahoma, Skinner, a man with three felonies, was subjected to Oklahoma's law of involuntary sterilization for felons. The Court voted in favor of Skinner, noting, "We are dealing here with legislation which involves one of the basic civil rights of man. Marriage and procreation are fundamental to the very existence and survival of the race."[22] Calling marriage fundamental and linking it to the existence of humans is a Christian ideal, for the religion believes that without the sacred unionizing of a couple, their procreation is illegitimate. For the Supreme Court to state that marriage is essential to humanity shows how deeply Christianity is embedded into our government. Furthermore, the Comstock Laws was an act established that outlawed the selling and distribution of any "obscene" materials that encouraged immoral actions, such as pornography and contraceptives.[23] In a later case, Griswold v. Connecticut, the Court voted the state-level replicate laws as unconstitutional, however they were passed on a federal level and maintained for many years.[24] The idea that contraceptives would be considered obscene, and that using them would be regarded as immoral, is a strictly religious belief as well.

Christian marriage, as stated previously in *Genesis* 2:24[25] is centered around the idea of one woman and one man being wed. However, many other religions, specifically Native American cultures and Mormonism, allow and even encourage polygamy, the wedding of one man or women to several spouses. Back when only 13 colonies were founded, Virginia passed The Dawes Act of 1887. This act "established procedures for conferring U.S. citizenship on Native Americans [and] required those who wished to become citizens to abandon polygamous

[21] John Tuskey, "The Elephant in the Room – Contraception and the Renaissance of Traditional Marriage." (Regent University Law Review, 2006).
[22]Lynn D. Wardle, 1998.
[23] Tambra K. Cain, "Comstock Laws." (Encyclopedia of Women's Health, 2004).
[24] Lynn D. Wardle, 1998.
[25] *Holy Bible.* (American Bible Society, 2010).

relationships." The pioneers of America imperialized the Natives and forced them to assimilate to their Christian monogamous values, which are still upheld today.[26] In Reynolds v. United States, a man named George Reynolds was indicted for bigamy under a federal law of the colonies. He defended his marriages by stating that he was practicing his Mormon faith, which appointed men with the "sacred duty" to support multiple wives. He appealed to the Supreme Court, who affirmed the conviction. The Court set a precedent for the United States in this case, outlawing polygamy and deeming it unconstitutional. Their reasoning for this ruling can only be attributed to the Christian values of marriage; "The view of marriage as a school of citizen virtue not only worked against divorce but also doomed public acceptance of Mormon polygamy."[27] If marriage were truly secular, it would acknowledge marriages of either all religions, or none at all.

The most blatant example of Christian bias in the Supreme Court can be seen in the year 1970 during the case of Baker v. Nelson. Jack Baker and Mike McConnell were the first homosexual people to apply for a marriage license, and they were promptly denied. They brought the case to the Minnesota supreme court, under the protection of the Fourteenth amendment, claiming that the statue prohibiting same-sex marriage undercut the protection of freedom and privileges for all citizens of the country. The Court "dismissed the claim, relying primarily on terse citations to the dictionary definition of marriage and the biblical book of Genesis…In the years immediately following the Baker decision, courts around the country similarly found no constitutional right for same-sex couples to marry."[28] Regardless of their

[26] Mary Lyndon Shanley. "Public Values and Private Lives: Cott, Davis, and Hartog on the History of Marriage Law in the United States." (Law & Social Inquiry, 2002).
[27] Lynn D. Wardle, 1998.
[28] Brian N. Niemczyk, "Baker v. Nelson Revisited: Is Same-Sex Marriage Coming to Minnesota." (Hamline Law Review, 2005).

decision, their reasoning is what makes this court ruling so biased. The Supreme Court used the Bible to justify who should be allowed to marry. The Supreme Court used a religious text to determine the constitutionality of a state law. The Supreme Court justified a life-altering precedent with the Bible. There was without doubt no support for the separation of church and state in this case ruling. Following this case, in 1986, the court ruled on Bowers v. Hardwick, when two men were criminalized for same-sex sex acts. The Supreme Court backed the Georgia law, banning these acts, and referred to them in their note as "sodomy."[29] Sodomy is a term that comes directly from *Genesis* chapter 19 of the Bible. It is named after the town of Sodom, Israel, which was burned to the ground for the homosexual acts of its inhabitants.[30] For the court to use a religious term as defense for their ruling is again in direct violation of the separation of church and state, and very reflective of the bias towards Christianity. Finally, in 1996, President Bill Clinton signed into law the Defense of Marriage Act (DOMA) which stated that, "the word `marriage' means only a legal union between one man and one woman as husband and wife, and the word `spouse' refers only to a person of the opposite sex who is a husband or a wife."[31] It continued on to negate the Full Faith and Credit clause,

> No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.[32]

Essentially, under this new act, the states were granted the right to not recognize any same-sex marriage certified in another state, and legal marriage was only recognized if it followed the

[29] Thomas B. Stoddard, "Bowers v Hardwick: Precedent by Personal Predilection." (University of Chicago Law Review, 1987).
[30] *Holy Bible.* (American Bible Society, 2010).
[31] Bob Barr, "H.R.3396 – Defense of Marriage Act." (Library of Congress, 1996).
[32] Bob Barr, 1996.

definition stated in *Genesis*. The Supreme Court eventually did legalize same-sex marriage, but not for another 19 years.[33]

Divorce Law

When two people marry under God, it is considered an eternal union. The official or unofficial teachings of most of the various Christian churches has been once married, always married. The Bible very clearly states in Matthew 19:6, "So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate," and also in Deuteronomy 22:19, "And she shall be his wife. He may not divorce her all his days."[34] Marriage was a sacred merging of two flesh into one that could never be cleaved. Because of this very strong belief, there was no process for divorcing in England at the time of the American pilgrimage, meaning that when the colonies were first founded, no divorce was legally tolerated in America either.[35] Marriage was permanent and immortal, and those who married did so for life. That was until the revolution, when most states adopted a fault-based divorce in which one could ask for an end to the marriage after their spouse had broken one of their vows, including adultery, desertion, bigamy, failure or refusal to reproduce, or general cruelty and abuse.[36] Paul R. Amato in his book, *Handbook of Divorce and Relationship Dissolution*, writes of these divorces, stating, "Early courts took the notion of fault seriously and often ordered harsh punishments for 'guilty'

[33] "Legal Marriage Requirements FAQs." Findlaw.
[34] *Holy Bible.* (American Bible Society, 2010).
[35] Nicole D. Lindsey, "Marriage and Divorce: Degrees of I Do, An Analysis of the Ever-Changing Paradigm of Divorce." (University of Florida Journal of Law and Public Policy, 1998).
[36] Nicole D. Lindsey, 1998.

spouses, including whippings, fines, and incarceration in the stocks. Moreover, spouses found to be at fault for causing the divorce generally did not have the right to remarry."[37] The states varied in what constituted fault and in the severity of the punishment for the guilty party, however all agreed that marriages should only end after a significant vow had been broken. In order to protect this faith, the laws were instated to discourage dissolution; "by making divorce difficult, and by requiring one spouse to accept responsibility for violating the marriage contract, the law affirmed its commitment to the norm of marital permanence."[38] After many years, a process for no-fault divorce was slowly incorporated into state laws. Finally, in 1969, California was the first state to fully eliminate fault-based divorce and transition to a no-fault dissolution system, under which both parties of the marriage would consent to divorce once the marriage was "irretrievably broken."[39] The other states were quick to follow California in eliminating fault-based divorce, however some states in the south instead established a two-tiered system of marriage; "Under the new legislation, couples [could] choose a traditional marriage license without the stringent divorce requirements, which would be governed by the hybrid no-fault system in place, or a covenant license."[40] The covenant marriage was considered the more sacred union, a true marriage under God, and so had several differences from a civil marriage. Melissa Lawton in her essay, The Constitutionality of Covenant Marriage Laws, writes, "Most fundamentally, those choosing a covenant marriage must receive counseling prior to the wedding, must agree to pursue additional counseling if the marriage encounters difficulty, and cannot obtain a no-fault divorce absent a lengthy separation."[41] As of 2017, only three states had

[37] Paul R. Amato, Shelley Irving, "Historical Trends in Divorce in the United States." (Lawrence Erlbaum, 2006).
[38] Glenda Riley, *Divorce: an American Tradition.* (University of Nebraska Press, 1997).
[39] Nicole D. Lindsey, 1998.
[40] Paul R. Amato, 2006.
[41] Melissa Lawton, "The Constitutionality of Covenant Marriage Laws." (Fordham Law Review, 1998).

covenant marriage laws: Arizona, Arkansas, and Louisiana, with Louisiana being the first state to introduce covenant marriage.[42] The legislation concerning divorce cohesively discourages the breaking of marriage unions because of the heavy influence of religious beliefs surrounding matrimony.

Fornication and Adultery

In addition to divorce, both fornication and adultery are still criminalized in multiple states. The New Oxford American Dictionary defines fornication as sexual intercourse between people who are not married.[43] The bible speaks of sexual immorality, defined as "a general term for all unlawful sexual intercourse [including] adultery, prostitution, sexual relations between unmarried individuals, homosexuality, and bestiality."[44] Of it, it writes in Corinthians 7:2, "but since sexual immorality is occurring, each man should have sexual relations with his own wife, and each woman with her own husband."[45] Christian faith believes that lawful intercourse should exist only between a married wife and husband. When the colonists established society in America, their laws on sexual immorality mirrored their religious values. Traci Stratton writes in her analytical novel, *No More Messing Around: Substantive Due Process Challenges to State Laws Prohibiting Fornication*, "Intent on enforcing Puritan morality, the colonists enacted statutes making fornication an offense punishable by fine, marriage, or corporal punishment. Fornication laws were actively enforced throughout the colonial period. Historically, fornication

[42] Melissa Lawton, 1998.
[43] *The New Oxford American Dictionary.* (Oxford University Press, 2005).
[44] "Sexual Immorality." (Watch Tower Bible and Tract Society of Pennsylvania, 2019).
[45] *Holy Bible.* (American Bible Society, 2010).

was illegal in all jurisdictions of the United States."[46] Fornication was considered a sinful act in the eyes of God, and therefore an intolerable act in the eyes of the law. Since those times, of course, the laws surrounding fornication have been redacted, and their enforcement made much more lenient. However, by 1998, "Laws prohibiting fornication remain[ed] on the books in at least thirteen states and the District of Columbia."[47]

For adultery, there is no convolution or uncertainty in the Bible. Exodus 20:14 plainly states, "You shall not commit adultery;" Hebrews 13:4 continues, "Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral," and Corinthians 6:18 orders, "Flee from sexual immorality. All other sins a person commits are outside the body, but whoever sins sexually, sins against their own body."[48] A Christian marriage binds two people into one body, and the vows of that marriage cannot be broken under the eyes of God. There were at a time laws in every state criminalizing infidelity; as Alyssa Miller writes in her comparative analysis of adultery laws, "Laws against adultery in the United States have deep puritan roots, stemming from England's ecclesiastical courts prior to founding the country. Since the colonial era, adultery in the United States was considered a wrong against morality and chastity, meriting civil and criminal consequences."[49] As of 2016, twenty-one states still criminalized adultery as a misdemeanor or a felony. Violators could incur fines, lose their jobs or custody of their children, or be subjected to prison time.[50] It is clear that the laws against adultery have a strong bias towards Christian morals. Even as some states

[46] Traci Shallbetter Stratton, "No More Messing Around: Substantive Due Process Challenges to State Laws Prohibiting Fornication." (Washington Law Review, 1998).
[47] Traci Shallbetter Stratton, 1998.
[48] *Holy Bible.* (American Bible Society, 2010).
[49] Alyssa Miller, "Punishing Passion: A Comparative Analysis of Adultery Laws in the United States of America and Taiwan and Their Effects of Women." (Fordham International Law Journal, 2018).
[50] Deborah L. Rhode, "Op-Ed: Why is Adultery Still a Crime?" (Los Angeles Times, 2016).

attempt to decriminalize the act with arguments of privacy invasion, opponents have claimed that "it [will] turn the state into a 'moral wasteland.'"[51] The existence of laws against both adultery and fornication are blatant implements for the protection of the holy Christian values and beliefs surrounding sex and marriage, with no other justification for their constitutionality.

Conclusion

Since the founding of the thirteen colonies, all the way to present day, the upholding of strictly Christian-based morals is apparently seen in the protection of monogamy, heterosexual marriage, eternal matrimony, fidelity and sexual morality. The defense of these values has impinged and obstructed the freedoms of alternate faiths and non-religious citizens of the United States by outlawing values not in accordance with the Christian religion. As a consequence of this multitude of laws and Supreme Court decisions regarding marriage regulation, the secularization of marriage has dismantled the wall between religion and the state, providing an unfair bias for Christianity in a multi-denominational country.

[51] Deborah L. Rhode, 2016.

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