

WEDDING LICENSE: \$40.
DIVORCE? PRICELESS.

*Kevin Pierce, an architect and sustainability professional, was diagnosed with inoperable brain cancer in 2010. He began a blog, *There's a Hole in my Head*, as an attempt to track the process and progress of his illness. Kevin posted this essay on his blog on December 27, 2010. Kevin died on May 2, 2013.*

On Wednesday last, Annie and I trooped over to the basement of the Cook County Hall just off Daley Plaza to the Bureau of Licenses, plunked down our forty bucks, and took home a bland but official document allowing us to wed.

Annie and I have been together for more than 20 years. When we pledged our troth on a park bench in Old Town near St Michael's Church, it was just past midnight, August 26th, 1989. Together we have purchased property, slotted surprising sums in unlikely investments, amassed an art collection, acquired degrees, friends, and even joint enemies. But we have never gotten married. That Annie is nulliparous has facilitated this choice. Having children might well have tipped us over the edge.

Making Medical Decisions

But at present, the core problem is that being unmarried means that Annie can't make or even legally participate in

medical decisions in case of my incapacitation, nor I for her. That was the startling reminder that dozens of clipboard-holders engendered as they asked her repeatedly during my recent unpleasantness if she was the wife of the patient. She prevaricated. And fortunately, my faculties were never over-absent. We have intended for years to remedy this problem (without matrimony), but have made little progress.

The license does not mean we are now married or that we are going to get married. Ever. (Though it's been fun to see the cute and enthusiastic reactions of friends to the news of the license). It does, however, represent a commitment to addressing the issue comprehensively. Achieving this goal may prove difficult. According to the U.S. General Accountability Office there are 1,138 federal statutory provisions in which marital status is a factor in determining or receiving benefits, rights, and privileges. And then there's State law. Clearly, marriage is the easiest way to solve the problem. As a heterosexual couple, it seems a little self-centered *not* to take the most direct path. We have dozens of friends who might like to get married to participate in a compelling social institution, and to get the protections provided, but are legally prohibited from doing so. Yet we have always resisted the notion for ourselves.

Why *Not* Get Married?

Our shared conceptual answer is that we think neither the Church nor the State should be conducting any business in our bedroom. The personal reasons are a bit different for each of us.

Prior to our unholy union, I had been married – five years, to a lovely, intelligent, sweet girl who didn't deserve the pain

of divorce. I think the idealized benefit of marriage is the creation of a safe supportive environment that fosters communication and honesty along with a promise of fidelity. My experience was that this supposed safe haven was actually a delicate glass vessel constantly in danger of tipping and shattering. I was an idiot, of course (but not an adulterer). However, the fact is that no one really learns how to live together without living. We married too young, with little experience in relationships, no sense to get good help when we needed it, and without the awareness we had fundamentally different approaches to life. In other words, for me, marriage seems to serve no practical function.

The other problem is a societal: *It's just too god damned easy to get married.* All you need is forty bucks, a fever, and an officiant. Although marriage is referred to and treated in the legal system as a contract, what couple about to be wed has ever actually read the terms? – terms written, by the way, by our legislators not our lawyers.

In Illinois law, there seems to be virtually nothing regarding our responsibilities *during* marriage. Provisions regarding activities before or after are, however, extensive. I can't marry my niece or my aunt, and certainly not if she's a man. I *can* marry my cousin as long we're over 50. Upon divorce I can't transfer, encumber, conceal, destroy, spend, damage, or dispose of any property without my ex's consent. All are apparently allowed *during* wedlock. And child support? After the divorce, enforcement is clear and strict. But while we're married, there's no mention in the Illinois Marriage and Dissolution of Marriage Act of any requirement to even feed my kids, let alone nurture or care for my wife.

There are three items often noted as essential to enforceable contracts. I think 1 and 2 are missing at most weddings. And the absence of no. 1 would put no. 3 in question, wouldn't it?

1. competent parties – we enter into the agreement without mental impairment. But wait, aren't we *supposed* to be crazy in love?
2. consideration – this is an agreed exchange: we each know what we're getting out of the deal. Yeah, right.
3. mutual assent – we have had a meeting of the minds. I do and you do too. At least for the time being.

Compared to marriage, divorce is an exercise in rationality, though designed by society to be substantially more difficult to achieve. Getting split requires at least one lawyer (and they will tell you constantly that, ethically, they can only protect the interests of one of you), a six-month waiting period, dozens if not hundreds of pages of legal documents, several thousand dollars, and a reason. Imagine that! You are legally required to have a reason to get divorced, but none to get married. One person must file a lawsuit declaring the other has practiced "mental cruelty" or some other sordid act even if none such has occurred and even if you both agree to the divorce. Difficult? Yes. But in my view, divorce is a priceless and essential institution that encourages competent thought, careful consideration, and a meeting of the minds. If getting married was as half as hard as getting divorced, what could that mean for society?

The Five Year Contract

Anthropologically, marriage seems to have evolved from a social desire to keep the peace among the powerful. "...nubile women are a source of jealousy and strife in the tribe..." Commodification simplifies the social transaction. I pay a dowry or provide for my woman in exchange for exclusive sexual access. The contract is between the man and his competitors, not his wife. With apologies to our happily married friends, I think this remains as a central if deeply buried force in the societal compulsion to matrimony.

I think it's also central to Annie's opposition to the institution. She is determinedly independent. Women have been and continue to be significantly constrained by the societally-defined power relationship to men at many levels: politically, occupationally, financially, and in simple terms of physical strength. Marriage represents acquiescence to an unreasonable norm. Ambrose Bierce's definition applies well:

Marriage, n. *The state or condition of a community consisting of a master, a mistress and two slaves, making in all, two.*

So, with these outlooks, living in sin is really our only option. Still, that exposes both sinners to risk. Like marriage, living together is frequently fine and dandy for the first few weeks, months, or years, but eventually issues arise. What to do?

THE FIVE YEAR CONTRACT

IN VIEW OF OUR PAST AND PRESENT HAPPINESS AS PARTNERS IN THE ENTERPRISE OF LIFE, WE RESOLVE, IN THE COMPANY OF THESE FRIENDS, TO UNDERTAKE A FIFTH TERM OF FIVE YEARS' DURATION IN WHICH SPAN OF TIME WE WILL CONTINUE TO ENCOURAGE, HONOR, SHARE, AND ENTERTAIN ONE ANOTHER; TO FURTHER OUR OWN AND EACH OTHER'S UNDERSTANDING AND APPRECIATION OF THE LARGER WORLD; AND TO REMAIN FULLY CONSCIOUS AND DISINTERESTED IN TIMES, HOWEVER MOMENTARY, OF TRIAL AND DIFFICULTY. WE SEEK TO ACT WITH INTEGRITY IN OUR RELATIONS WITH ONE ANOTHER, TO ACCEPT PERSONAL RESPONSIBILITY FOR OUR INDIVIDUAL HAPPINESS AND ACTIONS, AND TO USE THE STRENGTH WE DRAW FROM ONE ANOTHER TO MEET OUR BROADER CHALLENGES. WE WISH TO PROVIDE FOR EACH OTHER IN THE EVENT OF CATASTROPHE, AND TO TRY AT ALL TIMES TO HELP OTHERS. FOREMOST IN OUR THOUGHTS IS THE IDEA THAT THIS CONTRACT SHALL ARTICULATE OUR HONEST INTENTIONS TOWARD EACH OTHER AND OUR DESIRE TO REMAIN VIGILANT IN ADHERENCE TO THESE PRINCIPLES. TO THAT END THIS CONTRACT AND THIS CELEBRATION WILL BE RENEWED IN FIVE YEARS' TIME.

We signed for the fifth time this past August. The act of considering, writing, and celebrating the contract has greatly promoted health in our relationship. We sit down every five

years to talk and examine our lives, though we may have not taken our own admonition to do so as seriously as we might have. Young married lawyer friends consulted when we first hatched this idea were universally unimpressed not just with the language, but the concept. But it has worked for us. Until now.

Now is the time to get on with adjusting it to protect as well as promote health, happiness, and harmony. So that's a next step. Only 1,138 provisions to go.

The license expires in sixty days.

The Wacky World of Weddings Readers' Digest Style

In Illinois, if you're getting married, a wedding ceremony of some kind is required and must be performed by a duly authorized officiant of one of the following stripes: Ordained ministers, judges, retired judges, and public officials whose powers include solemnization of marriages, which could presumably include dog catchers. The options get more interesting in other States. In Alaska, you can get married at the Salvation Army. Hawaii requires a public health official. Oh, sorry, that's public health official. Ship captains may not perform marriage ceremonies in New York State. In Tennessee clergy performing weddings must be over 18, but justices of the peace don't. In Colorado auto-conjugation is allowed—you can marry yourselves. In Pennsylvania, they call it a Quaker Marriage, and a "self-uniting license" is required. But in no place are you allowed to marry your self. That would obviously go against God and country.