

MARRIAGE STATEMENT ISSUED AT THE SACRED SYNOD AD2002

by the Provincial Episcopal Visitors and the Bishop of Fulham

1 The importance and given-ness of our historical and legal context:

- (a) The Church of England is part of the Western Church, the larger part of which understands marriage between Christians to be a sacramental bond;
- (b) According to Canon B30, the teaching of our Lord as affirmed by the Church of England is expressed in the Form of Solemnization of Matrimony contained in *The Book of Common Prayer*;
- (c) The Church of England is by law established. Some of the necessary implications of these provinces' understanding of marriage are also found in the present civil law of England and Wales.

2 We DECLARE Holy Matrimony to be:

- (a) The voluntary union for life of one man and one woman to the exclusion of all others;
- (b) An "honourable estate", creating a status, while also being a covenant and arising from a contract;
- (c) A union entered into by mutual and free consent, without reservation or condition, the promises made being completely independent of each other;
- (d) A calling from God for many, but not all, the calling to the single state for others being equally honourable;
- (e) A gift of God in creation, instituted "in the time of man's innocency", and in the guardianship of which the Church has a share;
- (f) A sign to us of the "mystical union that is betwixt Christ and his Church";
- (g) For the purposes of: the procreation and nurture of children (save where age or condition preclude it); the hallowing and right direction of natural instincts and affections; and the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity;
- (h) A union in which the parties marry each other, each being a minister of God's grace to the other;
- (i) Both private (a commitment between the parties) and public (within the community).

3 Flowing from this understanding of Marriage, we RECOGNISE that, as a consequence, there are several categories of unions which, while purporting to be marriages, do not fulfil this understanding:

- (a) First, there are those unions which have been non-marriages from the beginning (so-called "void marriages"). Such unions occur when:
 - (i) the parties lack capacity (that is: the parties are within the prohibited degrees; either is under the age of 16; either is already married; or the parties are not respectively male and female);
 - (ii) both parties knowingly and wilfully intermarry in the face of certain other defective matters relating to the marriage ceremony required by civil law.
- (b) Secondly, there are those unions which can be declared to be no longer marriages (termed "voidable marriages"). Such unions may be declared a nullity when:
 - (i) either is impotent (save where this is known to both);
 - (ii) either did not consent through duress, mistake as to identity of the other party or misapprehension as to the nature of the ceremony, unsoundness of mind or through the effect of drink or drugs;

- (iii) either party was suffering from a mental disorder despite valid consent given at the time;
- (iv) either, unknown to the other, was suffering from venereal disease in a communicable form;
- (v) the wife, unknown to the husband, at the time of the marriage was pregnant by another;
- (vi) there has been a wilful refusal by one of the parties to consummate the marriage.

In these cases, whether a decree absolute of nullity or of divorce has been obtained, we recognise that it would accord with the above understanding of marriage if either of the parties to the union, although the other of them is still living, were to be married in church to another party.

- (c) Thirdly, there are those unions which, while incapable of being annulled at civil law, may nonetheless be treated by the Church as being no longer marriages. Unions in this category may occur when:
- (i) the marriage has been contracted for a reason other than those for which marriage exists (as set out in clause 2(g) above);
 - (ii) either or both of the parties to the union were insufficiently able to evaluate critically the decision to marry in the light of the consequent obligations and responsibilities;
 - (iii) evidence of behaviour before, at or after the marriage, demonstrates that at the time of the marriage either of the parties did not accept the marriage to be an exclusive and indissoluble union;
 - (iv) either party had an undisclosed intention not to have children;
 - (v) the existence of a pre-nuptial contract between the parties, providing for division of property upon civil divorce, indicates that the union was intended to be conditional only;
 - (vi) both parties to the union were not baptised, but one party subsequently receives the Christian Faith and is baptised, and the other party, without cause being given by the baptised party, then departs.

In these cases, following a divorce at civil law, we recognise that it would accord with the above understanding of marriage if the appropriate parties (and in the case of category (vi) the baptised party), although the other of them is still living, were to be married in church to another party.

4 On the basis of this understanding of marriage, and the possible instances when it is not fulfilled, we OFFER to priests from parishes who look to us for pastoral care and sacramental ministry the means of seeking our advice which individual parish priests are under no obligation to heed. Such advice, which we shall give in writing, is intended to help them in their decision as to whether to proceed with the marriage of parties in church where either or both has a former spouse still living.

5 This advice is offered to the parish priests who must ultimately make up their own minds as to what decision should be taken. The bishops are not free to enter into discussion with the relevant couples nor to receive any form of appeal. The decision remains in law that of the parish priest. Parish priests should pay particular attention to the legal guidance given to them in the material issued by the House of Bishops.

6 None of this precludes using what in short hand is called *The Service of Blessing*. None of us, ultimately, knows the true status in God's eyes of many of the unions to which we minister. Where couples act as their own tribunal of conscience and bring their union to God in prayer, the use of the rite for praying with a couple following a civil marriage may well be appropriate.