



Second Marriages in Church Information for Couples

Requests for marriage in church from couples where one or both have been divorced are increasingly common, so if that is you – rest assured, you are not alone! The Church of England's policy on second marriages is also quite confusing, and when there has been publicity about it in the press it hasn't been inaccurate, so if you're confused – again, you are in good company! This information is intended to clear up some myths and help you understand:

- what the position really is in the Church of England
- how we handle second marriages in the Stockton Country Parishes
- what you can expect next if you decide you would like to go ahead with an application.

N.B. It may sound clumsy, but we use the term 'second marriage' not 'remarriage' for two reasons. Firstly, we use it because you can only really 'remarry' a couple who have been married to each other before (which does occasionally happen). Secondly, 'marriage of divorced persons with a partner still living' (the official term) is even more cumbersome!

Contradictions Rule!

The reason why this is such a controversial topic is partly about belief and pastoral care, and partly about the law of the land.

THE LEGAL POSITION

There are two common misunderstandings about who can make the decision on a second marriage. Many people think that the decision whether to allow second marriages lies with the local Parochial Church Council (PCC) and that it is an all-or-none decision. In other words if one divorcee has been married there, it is often assumed that 'they' will allow any divorcee to be married. Other people think that the final decision rests with the Bishop who can override the decision of a local parish priest, and irate parents try to canvas the Bishop if they are not happy with the decision they are given by the Vicar. These beliefs are both incorrect. The final decision rests with the incumbent (the Vicar or Rector) and the person asked to take the wedding (if that is a different person), and is usually made on a case-by-case basis.

On one hand, Church of England clergy have a legal obligation to marry any couple who are free in law to marry, and who request a service in their local parish church (i.e. those on the electoral roll or resident within the parish boundaries). On the other hand, the *Matrimonial Causes Act 1965* states that the decision **whether to perform a 'second marriage'** lies solely with the **officiating minister**, and the decision **whether to allow a church to be used** for such a marriage lies with the **incumbent of that church**.

This careful distinction guards against two possible problems:

1. Firstly, although the incumbent will normally also be the person taking the service, the law closes a loophole by ensuring that it isn't possible for a couple to bring in a priest to marry them in the church of their choice against the incumbent's better judgment.
2. Secondly, if a church has a curate who does not feel comfortable with marrying a specific couple (where one is divorced) for whatever reason, the law protects the curate's conscience by ensuring that the incumbent cannot force them to take the wedding.

Once a second marriage is agreed, the process and the service are then the same as for any other marriage. Bans must be read or an Archbishop's license must be obtained. In the case of bans, the fact of a previous divorce is not an impediment that anyone can raise, and in the case of a license the previous marriage(s) will not be a factor in one being granted or refused.

THE CHURCH OF ENGLAND'S PASTORAL POSITION

In July 2002, the General Synod (the Church of England's equivalent of Parliament) passed a resolution by a large majority (269 votes to 83) which can be summed up as follows:

1. Synod affirmed that marriage should always be undertaken as a '*solemn, public and life-long covenant between a man and a woman*'.
2. It recognised that '*some marriages regrettably do fail and that the Church's care for couples in that situation should be of paramount importance*'.
3. It went on to acknowledge that there are therefore '*exceptional circumstances in which a divorced person may be married in church during the lifetime of a former spouse*'.
4. The decision remains a decision of conscience on the part of the ministers concerned, and should only be taken after a careful process taking into account not only the circumstances of the couple concerned, but also local practice and impact in the community.

For many Christians, and especially many clergy, the first of these four statements is the reason why they believe that there can never be a case for a second marriage under any circumstances. For them, it draws a line in the sand based on Christian ethics. Admittedly, this has the merit of being very firm about the seriousness of marriage, and this is of course made clear in the marriage service where parallels are drawn between the unbreakable promise of God's faithfulness and the promises made in marriage.

The second statement, however, emphasises the pastoral side of the church's ministry. It recognises that we all make mistakes, some of which can't be put right, but that if God can forgive and heal then we should be happy to give our support too. Of course care doesn't necessarily mean un-questioning acceptance. Care can include challenging and counselling too, which is why we take great care over consulting with couples where divorce is a factor.

The fourth statement is, however, particularly important. If the minister believes that second marriages are sometimes OK, then the decision should be made thoughtfully in every case. No two couples are the same, and no two sets of circumstances are the same, so the decision cannot really be a blanket 'no' or a blanket 'yes'.

A Clear Policy for the Stockton Country Parishes

We uphold the four basic points outlined above completely. This has two immediate consequences:

- Because the decision is made case by case, a 'yes' decision can never be taken for granted. If you are keen to be married in church, and one or both of you has been divorced, you must be prepared for thorough and frank (but confidential) discussion, and you need to know that the decision could go either way.
- The discussion is quite likely to be just as awkward for the minister as it is for you, and because the decision rests solely with them – with no 'court of appeal' – it may well be agonising for them too.

If the decision is made to go ahead, we hope you will remember the consultation process as helpful and affirming. Even if the request is declined, however, we are committed to making the discussion as painless, and as helpful as possible to couples. Past experience shows that careful consultation has sometimes helped couples to identify and deal with issues that might otherwise have caused trouble for their second marriage.

If we have done our job well, every couple should understand the decision made in their case, and – ideally – agree with it! In reality, some couples prove unwilling to engage openly and honestly in the process, or find a refusal hard to accept, but our aim is to make both the process and the outcome clear, helpful and fair.

SERVICES OF DEDICATION AFTER A CIVIL MARRIAGE

Some clergy now offer a ceremony called the *Service of Dedication after a Civil Marriage* to some or all couples where one or both are divorced. We prefer not to use this service except in very particular cases, and even then only after a consultation process just as thorough as for marriage. The main reasons for using the service are usually practical or pastoral. For example, a *Service of Dedication* can be not complicated by the residence requirements that apply to a marriage, and can be performed anywhere.

A Clear Process for the Stockton Country Parishes

When taking an initial enquiry about a request for marriage, the marital status and history is one of the first things we ask about. This is because we feel it would be wrong to go far in discussion about dates and places and create false expectations. If either of you has been divorced, we believe it is fairer to talk through things face to face at the earliest opportunity.

The following guidelines should help you understand what we will need to cover and what you can expect:

1. It is possible that 'no-go' issues may come up which cut the formal process short at any point (see the next section), but if that happens we will always discuss with you what the best course of action is. We try to clear these hurdles as quickly as possible to avoid building up false hope.
2. Exploring the request will be always be thorough, but it may not be quick. It is likely to involve several meetings, with time in between for background work by you as a couple. We will not make the process longer than absolutely necessary, but you should not make any advance arrangements that assume a 'yes' decision.
3. The discussion must be founded on complete openness, honesty and trust. There must be willingness to explore and possibly disclose painful parts of personal history. If it emerges that you are not being honest with us, or with each other, discussions may need to be put on hold.
4. Confidentiality (and data protection requirements) will be respected at all points in the process, but there may be a need to share certain information as part of a wider consultation (e.g. with other parishes involved). This will always be explained to you. Confidentiality will also extend beyond the process. If the decision is to decline the request, the reasons will not be disclosed outside the local team (even to another minister) without your permission.
5. If you have already approached another church about the possibility of marriage, we will need your written permission to consult the minister concerned before entering into detailed discussion. This is particularly the case if the other church was either another local church, or clearly the most appropriate place for you to be married. There are very few exceptions to this:
 - a. If the other minister's blanket policy is to refuse applications, we will consider the application normally, but taking into account the minister's views and the distance between churches.
 - b. If time has passed and circumstances have changed since the previous discussion, or if you have moved to a new area, we may decide to look at your case as a fresh application.

N.B. You will need to show us the original copy of the decree absolute for the divorce(s) before banns can be called or the marriage solemnised, and normally before beginning any serious discussion.

The Questions You Will be Asked

We normally start by covering the following areas, and then move on to anything that arises from them:

- We will want to be sure that you both share a similar Christian perspective on marriage (including the seriousness of divorce), and that you are serious about making the new marriage lifelong and faithful.
 - We will be trying to understand whether what you want is a Christian marriage, or simply a church wedding.
 - We will be exploring whether you have considered how Christian faith and values might help ensure that this relationship succeeds where the previous marriage(s) failed.
- We will need to ask you about your view of the circumstances of the breakdown of the previous marriage(s), as this will indicate whether you are ready to enter responsibly into the new marriage. In particular, we will want to be sure that:
 - mistakes have been recognised, acknowledged and learned from
 - you are reasonably free from self-justification or self-deception about your role in the breakdown of the previous marriage
 - you have explored these issues, and their root causes with each other
 - your relationship is characterised by repentance, forgiveness and generosity of spirit
 - your current relationship was not a cause of the breakdown of the previous marriage. (A large proportion of couples in these circumstances have known each other for many years while still married, and that is OK. However, if your relationship was a direct cause of the breakdown, this is one of the few 'no-go' indicators.)

- We will consider whether there has been sufficient healing of the personal, family and social wounds caused by the previous marriage breakdown. For example:
 - We will want to be sure that there been enough time and distance for you to have a clear perspective, so that there is no rebound element to your relationship.
 - We will explore whether there are any sensitive issues arising from a continuing relationship with a former spouse – as friend, business colleague, or simply through contact in connection with childcare.
 - We will be concerned to be sure that there is not only no residual attraction, but also no continuing conflict, or legal proceedings that will seriously affect the new marriage or be worsened by it.
 - We will need clear assurance that financial and parental responsibilities to children of the previous marriage(s) are being recognised and honoured, and that this is willingly accepted by both partners in the new relationship.
- Balancing the ideal of Christian marriage and the need to forgive and move on, we need to be certain that allowing the marriage to take place in church will not undermine the credibility of the Church's teaching about marriage.
 - We will be concerned about whether it would be likely to cause any kind of scandal within the family, the local community or elsewhere.
 - In order to support you, we will want to identify any issues that might need to be directly addressed to enable the marriage to take place, or any rumours that need scotching.

As you may have realised by now, many of these are questions that could be equally relevant to couples approaching a first marriage after having had other long-term relationships, and perhaps that will be of some comfort to you. Some of the questions will probably be covered very quickly – perhaps even with a simple 'yes' or 'no' – while others may involve background work and take time. However, it is important to be sure that you both take them equally seriously, and that the process is not being driven by one partner with the other 'tagging along'. We may find that the exploration identifies a need for further marriage preparation or pastoral support, which would take place separately and after agreement to proceed.

I sincerely hope that this hasn't put you off. On the contrary, I hope it convinces you that what matters most to us is the success of your new marriage. We want to give you the best possible start, and the best possible support in your relationship.

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