

## QUAKER MARRIAGE LAW: A NOTE

### The law

The first recognition of the peculiar aspects of Quaker marriage came in the Marriage Act 1753 (26 Geo II c 33: aka Lord Hardwicke's Act), which required *inter alia* that banns should be published or a licence obtained and that, in either case, the marriage should be solemnized in church. Jews and Quakers, however, were dispensed from this. The Marriage Act 1949, as amended, also makes special provision for both groups:

#### **26 Marriages which may be solemnized on authority of superintendent registrar's certificate**

(1) Subject to the provisions of this Part of this Act, the following marriages may be solemnized on the authority of two certificates of a superintendent registrar—

- (a) a marriage in a registered building according to such form and ceremony as the persons to be married see fit to adopt;
- (b) a marriage in the office of a superintendent registrar;
- (bb) a marriage on approved premises;
- (c) a marriage according to the usages of the Society of Friends (commonly called Quakers);
- (d) a marriage between two persons professing the Jewish religion according to the usages of the Jews;
- (dd) the marriage (other than a marriage in pursuance of paragraph (c) or (d) above) of a person who is house-bound or is a detained person at the place where he or she usually resides;
- (e) a marriage according to the rites of the Church of England in any church or chapel in which banns of matrimony may be published.

Quaker wedding procedure has to be in conformity with the secular law. Each Area Meeting (the basic ecclesial unit of the Society, roughly equivalent to a Reformed presbytery or an Anglican diocese) is required by *Quaker Faith & Practice* to appoint a registering officer, as follows:

#### **Registering officers 16.10**

Each area meeting shall appoint a suitable Friend as registering officer for the purpose of these regulations, and, in England and Wales, but not in Scotland, to register all marriages that may be solemnised according to the usage of the Society within the area meeting. Area meetings are advised to review their appointments regularly, normally on a triennial basis. The registering officer shall register only such marriages as are solemnised within the limits of the area meeting by which he or she is appointed. On every fresh appointment of a registering officer the area meeting making the appointment shall report to the Recording Clerk [*ie the chief salaried officer of Britain Yearly Meeting*] without delay, by minute signed by the clerk, the name and address of the registering officer newly appointed. The Recording Clerk is required to certify all such appointments in England and Wales to the Registrar General and, for such appointments in Scotland, to the clerk of General Meeting for Scotland who will inform the Registrar General for Scotland.

### The practice

*Quaker Faith & Practice* 16.04 declares that

Quaker marriage is not an alternative form of marriage available to the general public, but is for members and those who, whilst not being in formal membership, are in unity with its religious

nature and witness. Usually, however, one or both of the parties being married will be members or they will be otherwise associated with the Society. Additionally, the Marriage Act 1949 relating to England and Wales places certain limitations on who may be married according to Friends' usage.

Before the wedding, the couple must complete a declaration of intention of marriage. They must also fulfil all the legal requirements for a marriage, including obtaining the appropriate certificates from the registrars of the districts in which they live. Additionally, those not in membership need to complete additional requirements, including a discussion with at least two members of the Society to help the Area Meeting to assess whether there is sufficient unity of understanding, or association with the Society, to allow a marriage according to Quaker usage to go forward.

Quakers have neither clergy nor liturgy. A Quaker wedding is conducted *by the parties* themselves at a Meeting for Worship held for that purpose, with the Area Meeting's registering officer present – in effect, as registrar. The Meeting sits in silence in the normal way, and at some point the parties make the promises according to the formula in *Quaker Faith & Practice* 16.36

Friends, I take this my friend ..... to be my wife/husband, promising, through divine assistance, to be unto her a loving and faithful husband/wife, so long as we both on earth shall live.

This formula is obligatory in order to comply with secular law; couples may not simply make up their own vows. At the end of the Meeting, everyone present signs the marriage certificate.

## **Issues**

These are very few. It would be *very* unusual for two persons neither of whom were Friends to be allowed to be married in a Quaker meeting, but there are many regular adherents ('attenders') who have never taken the step of seeking formal membership; and an attender may certainly be married in the meeting-house. Moreover, inter-church and inter-faith marriages are the norm for Friends rather than the exception, simply because the Society is so small (about 16,000 members and about 16,000 attenders) and Quaker couples are becoming rather unusual.

Area meetings have discretion whether or not to grant permission to a divorced person who wishes to remarry in a Friends' meeting. I am not aware that this causes any problem. Each application would be treated on its merits; but I would expect remarriage to be allowed unless there were compelling reasons for questioning the sincerity of the party or parties: for example, in the case of someone wishing to remarry who had been cited for cruelty in his divorce.

The Society is entirely comfortable with civil partnerships. The question was recently raised as to whether or not the Society should campaign to remove the statutory bar on religious ceremonies in connexion with civil partnerships. The view was taken by my own Area Meeting that, though the Society itself would be happy to conduct religious civil partnership ceremonies, many faith-communities would not; and we felt that it was too early in the life of the Act to start pressing for its reform. Since I have heard no more about this, I assume that that was the general view within the Society.

**Frank Cranmer**

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