

The Diocese of Gloucester

Marriage in Church after Divorce

1. The present rules relating to the marriage in Church of persons who have a former spouse still living date from 2003. The position of the Church is reflected in a resolution of the General Synod in 2002 which states

“That this Synod

- (a) affirm, in accordance with the doctrine of the Church of England as set out in Canon B30, that marriage should always be undertaken as a “solemn, public and life-long covenant between a man and a woman”;
 - (b) recognise (i) that some marriages regrettably do fail and that the Church’s care for couples in that situation should be of paramount importance; and (ii) that there are exceptional circumstances in which a divorced person may be married in church during the lifetime of a former spouse;
 - (c) recognise that the decision as to whether or not to solemnise such a marriage in church after divorce rests with the minister (or officiating cleric if the minister is prepared to allow his/her church or chapel to be used for this marriage).”
2. There exist two important documents that a priest needs to have studied before contemplating officiating at such a marriage and to which he/she needs to refer whenever a new case arises. The first is the House of Bishops *Advice to the Clergy*. This includes the text of Canon B.30, together with a number of searching questions that should be asked of couples seeking this ministry. These are designed to safeguard the Church’s doctrine of marriage.
 3. The key questions that *Advice to the Clergy* poses are
 - Do the applicants have a clear understanding of the meaning and purpose of marriage?
 - Do the applicants have a mature view of the circumstances of the breakdown of the previous marriage and are they ready to enter wholeheartedly and responsibly into a new relationship?
 - Has there been sufficient healing of the personal and social wounds of marriage breakdown?
 - Would the effects of the proposed marriage on individuals, the wider community and the Church be such as to undermine the credibility of the Church’s witness to marriage?
 - Would permitting the new marriage be tantamount to consecrating an old infidelity?
 - Has either of the parties been divorced more than once?
 - Do the applicants display a readiness to explore the significance of the Christian faith for their lives so that their further marriage is not an isolated contact with the Church?

4. The second is a *Leaflet for Enquirers*, which includes an explanatory statement and an application form.
5. Both these documents can be down-loaded from the Church of England website (www.cofe.anglican.org). Any priest unable to obtain them by this means should request a paper copy from the Bishop's Office.
6. The synod resolution is a reminder that this ministry is one to be offered "in exceptional circumstances". Clergy should not undertake it lightly and each case needs careful scrutiny. A bishop may require his clergy to consult him in each case, though the final decision lies with the minister. In this diocese, the policy is that a priest need not consult the bishop on each occasion, but is welcome to do so where (a) the priest is in some doubt as to the right course of action or (b) where, in a difficult case, the priest would welcome the support of the Bishop in the decision that has to be taken.
7. The Bishop should always be consulted if any of these circumstances apply:
 - where one or both of the parties to the proposed marriage have been divorced more than once;
 - where an Archbishop's Licence will be required (see para 10 below);
 - where the bride or groom is a priest;
 - where it is proposed that the marriage be performed by a priest not on the staff of the benefice.
8. A curate in training should not be making decisions relating to this issue.
9. When clergy choose to consult the Bishop, they need to set out the case fully, with their answers to the questions posed in *Advice to the Clergy*, and they should indicate their own view of the right course of action.
10. It should be noted that the Archbishop's policy in relation to Special Licence has recently changed. The Archbishop is now willing to consider issuing a Licence where a previous spouse is still alive. He will not, however, do so without the goodwill of the Diocesan Bishop. In such cases therefore the provisions of paragraph 9 will always apply.
11. People are very easily hurt by what we as clergy say in dealing with these matters and often misunderstand us. It is very easy for them to experience a sense of rejection by the Church. Even in a case where a priest is fairly sure he/she will have to say no to their request, or to offer them a Service of Dedication rather than a Wedding, it is important to see the couple and to take time to develop a pastoral relationship in which the truth can be spoken lovingly. "No" down the telephone can hardly ever be the right pastoral approach.

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