

PAGANISM

UK Law Commission findings have implications for handfasting



By **Liz Williams** | January 13, 2022

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LONDON – The UK Law Commission published a consultation paper in 2020 which sets out provisional proposals for reform of the law governing weddings. This has, potentially, an impact on handfastings.

Subsequently, the Nuffield Trust for Research and Policy Studies in Health Services have produced a briefing paper for the Law Commission entitled “When is a wedding not a marriage? Exploring non-legally binding ceremonies.” Authors are Professor Rebecca Probert (Professor of Law at the University of Exeter and the specialist advisor to the Law Commission’s Weddings Project), Dr. Rajnaara Akhtar (Assistant Professor at Warwick Law School), and Sharon Blake (Honorary Associate Research Fellow at University of Exeter Medical School).



[Handfasting. PhotoCredit: Kam Abbott / Wikimedia]

Their findings identify a number of key issues. Participants felt that the current laws surrounding marriage are outdated and in need of reform. They told researchers that there were issues with the perceived lack of recognition of 'non-Christian' ceremonies, the non-recognition of ceremonies conducted by Humanist and independent celebrants (which include Pagan celebrants), and the limited options for interfaith weddings.

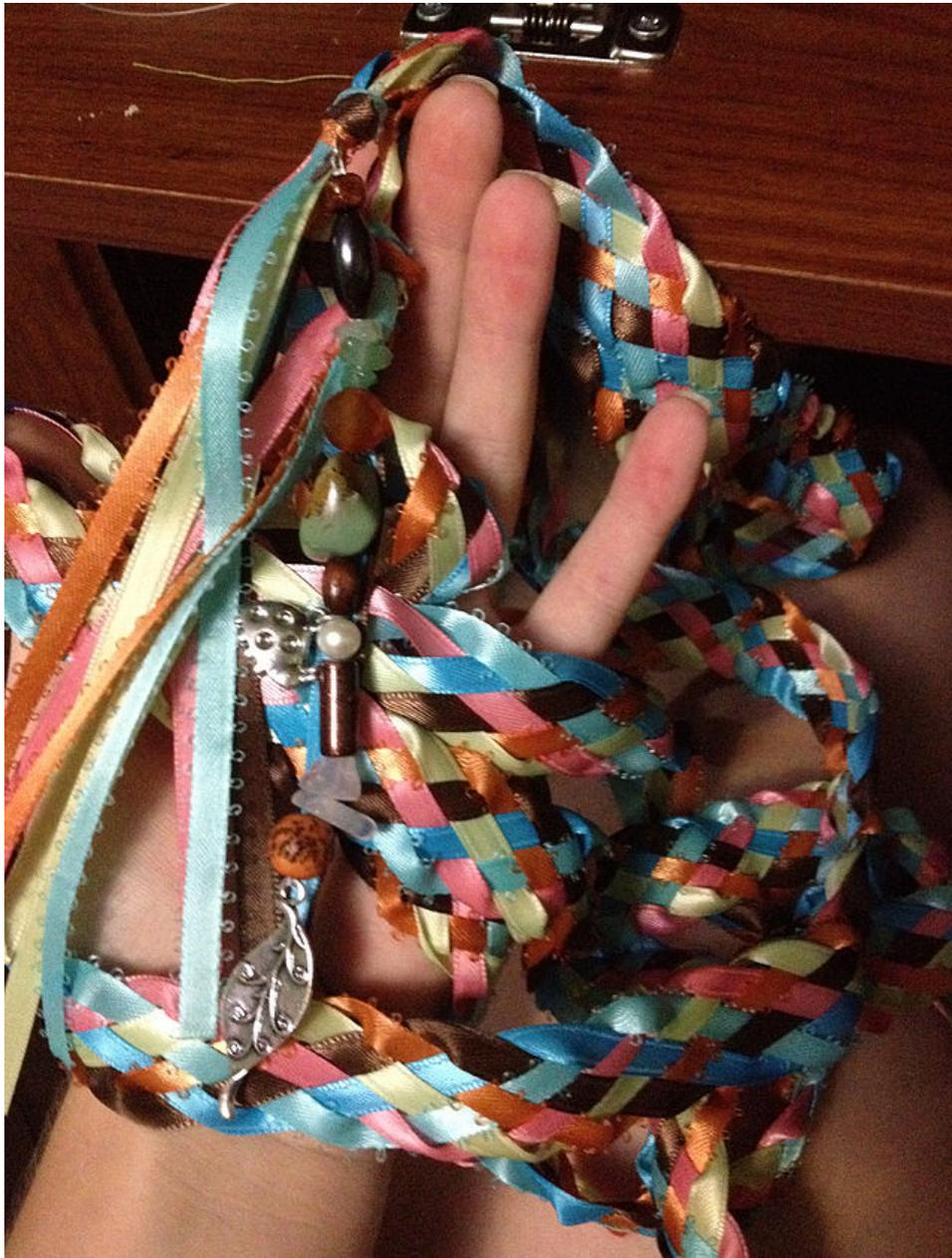
In addition, respondents felt that the current bureaucratic processes for legal weddings were unwieldy and should be streamlined.

However, there is a perception that there should be a differentiation between an officiant and a celebrant, because, as the report states, (a) it allowed the administrative and spiritual aspects to be performed by different people; and (b) some groups did not see it as theologically necessary to have a specific person conduct the ceremony. Participants also told researchers that restrictions on location were perceived as problematic: for example, holding ceremonies outside in an area that is not considered to be 'approved premises.'

One issue with making handfasting a legal ceremony is the stipulation under law that certain words and phrases must be included, by a legal registrar.

The current Commission is looking at the possibility of removing this stipulation and suggests that it should be the expression of consent that makes the marriage in the eyes of the law. It also suggests, further to the objection above, that restrictions on location should be removed: if this happens, it opens the way to undertaking a legally binding handfasting on the top of Glastonbury Tor, for instance.

The Law Commission has worked in consultation with various groups from the start, including the Pagan Federation. PF President Sarah Kerr says that "the PF had been involved right from the beginning of the consultation which started in 2015. I took part in interviews with the Law Commission in 2020 during their last round of consultations with official bodies/churches etc before it was then presented to the public for their input too. It was very interesting!"



Braided handfasting cord made in preparation for a 2012 wedding. [Photo Credit: Jeremy Duncan05 Wikimedia cc-by-sa-2.0]

The briefing states that “the Commission’s proposed scheme does not envisage recognising all religious ceremonies of marriage as valid in themselves, but rather providing a framework within which the religious ceremony could be recognised.”

This could relax restrictions on handfasting in England (these can be a legally acknowledged ceremony in Scotland and Ireland currently, but not in Wales or England). What this would accomplish is the removal of the current need in England and Wales for a separate, non-legally binding ceremony as well as a legal marriage. At the moment, handfastees who want to be legally married have to undertake a legal wedding at a registry office, and a separate non-legally binding handfasting ceremony.

The briefing covers cost issues: obviously, it can be more expensive to have two ceremonies, and participants felt that relaxing the current regulations would definitely reduce the cost. For instance, being able to hold a legally-binding handfasting at home would significantly reduce the financial impact.

The briefing consulted a range of participants, from Hindu respondents to Islamic and Pagan ones (all respondents are anonymous). It specifically references handfasting: “[for one] a Pagan independent celebrant – a handfasting was of profound religious significance: ‘I can’t explain to you how important it was to me to get married in a handfasting. It meant more to me ... it was almost as if I was pledging myself to my religion and my beliefs as well as to my husband’. Others, such as [participant] 024 (female, 34, no belief), had had a handfasting without according it any such significance.”

With regard to the question of location, another Pagan respondent had attended handfastings in people’s gardens, describing it to researchers as ‘a perfectly natural and very human-centred way to marry’. Another respondent had taken part in a handfasting at Stonehenge. However, the briefing also reports from 010 (female, 52, Pagan), for example, “had looked into having a legally binding handfasting in the Goddess Temple at Glastonbury (currently the only place in England and Wales that is registered for Pagan weddings). She decided against this option because of the challenge of getting friends and family, together with members of their Order, to this particular venue.

“A lot of our Order are older people, some of them are disabled and some of them don’t have a great deal of money. And we wanted certain people around us, and we knew we couldn’t cater for them hotel-wise and things. So, we went back to the drawing board.”

Sarah Kerr explains:

“At the moment here in England and Wales you can only get married legally if you’re in a building registered for the purpose. The proposals that have been made include allowing weddings to take place almost anywhere and moving the important legal responsibility to the officiant instead. This would mean that with the right training someone could become an officiant of any faith or none (Pagans aren’t the only ones whose marriage ceremony isn’t currently legally recognised). That officiant would effectively be acting as registrar making it a legally binding marriage providing the legal requirements for marriage are met.”

One respondent who had been a licensed registrar but who had then become an independent celebrant said she had been flexible with regard to location:

“I started the wedding ceremony in the wedding room, and we got past the ring exchange and then they went out to another room to do the legal bits and pieces with the registrars and then they came back. I announced them back in and they came in and we did a handfasting to complete ... It was unusual to have the registrars there at the same time. But it worked on this occasion. It worked very well.”

Respondent N-242, a Pagan priest, had conducted one wedding in a Buddhist temple ‘for a pagan-Buddhist wedding with a Buddhist bride’ and noted the

possibility of conducting a Pagan wedding in 'an appropriate friendly unitarian church'.

The new proposals have highlighted some issues, however. There was concern that requiring nomination by a group would exclude many Pagans from becoming officiants. 004B (female, 34, Pagan) gave the example of a 'standard reclaiming witch', while N-242 doubted 'if any pagan celebrant would feel happy about an overly formalised nomination process'. The result would be, as N-241 noted, that if an individual wanted someone to do the handfasting for them who was part of their group or the network but who was not able to become an officiant, 'they would still need, therefore, to have an officiant from elsewhere that they'd have to bring in.'

We asked pagans for their views:

"Speaking as someone who had the sort of ceremony that's not currently legal in the UK, I think it's a great idea, as it allows for a much more personalized ceremony. My husband and I had a lovely wedding in a redwood forest outside Berkeley, California, with a Pagan priestess we knew as the officiant (a US for celebrant). As she didn't live in California, she had to apply for some sort of temporary license from the local city hall in order for the ceremony to be binding, although I suppose that might not be an issue within the UK." (Daleth Hall, Pagan Witch).

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