

BAHÁ'Í MARRIAGE

in the United Kingdom (England and Wales)

Revised version, August 2011

DEEPENING ON BAHÁ'Í MARRIAGE

“It is the vital and urgent duty of Assemblies, both National and local, not only to apply the laws of Bahá'u'lláh with justice and firmness, but to increase the believers' understanding of and devotion to these Laws. In this way, they will obey them not through fear of punishment, but out of love for Bahá'u'lláh, and because their whole lives have been transformed and reoriented in the Way of God.” (The Universal House of Justice to the National Spiritual Assembly of the Bahá'ís of the United States, October 11, 1965)

“ It is imperative for the National Spiritual Assembly to initiate with local Assemblies a systematic programme to aid the believers, particularly the youth, to develop an inner spiritual strength and conviction in their own beliefs. A Baha'i's beliefs command as much consideration as is accorded the non-Bahá'í partner.” (The Universal House of Justice to the National Spiritual Assembly of the Bahá'ís of the United States, December 8, 1963)

DEEPENING FOR COUPLES WHO WISH TO MARRY

'Abdu'l-Bahá has said that Assemblies must *“have regard for the interests of the servants of God, for His sake, even as they regard their own interests”*. Accordingly, when a couple approaches the local Spiritual Assembly to indicate their desire to be married, the Assembly has a responsibility to help them to understand the significance of the Institution of marriage, which embodies a spiritual and permanent commitment to God and to each other. They should also be assisted to perceive the implications of the step they are about to take, not only for themselves, but also for the Bahá'í community. It is important that the local Spiritual Assembly stress both the spiritual nature and the administrative requirements (parental consent, Bahá'í ceremony, etc.) of Bahá'u'lláh's marriage law:

“Bahá'í law places the responsibility for ascertaining knowledge of the character of those entering into the marriage contract on the two parties involved, and on the parents, who must give consent to the marriage.”

“The obligation of the Spiritual Assembly is to ascertain that all the requirements of civil and Bahá'í law have been complied with, and, having done so, the Assembly may neither refuse to perform the marriage ceremony nor delay it.”(The Universal House of Justice to the National Spiritual Assembly of the United States, March 30, 1967)

BASIC REQUIREMENTS

A Bahá'í wishing to marry must have a Bahá'í marriage ceremony. A Bahá'í marriage ceremony requires:

- ❖ the consent of the couple and that of all living natural parents;
- ❖ Performance of a Bahá'í marriage ceremony **on the same day** as a separate civil marriage ceremony.

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“As to the holding of the Bahá'í and civil marriage ceremonies on the same day, as consummation of the marriage should not take place until both ceremonies have been held, a night should not intervene between the two ceremonies.” (From a letter of 23 April 1971 from the Universal House of Justice to an individual believer)

The twenty-four hour period in which the marriage ceremonies must take place is therefore to begin at 00.01 hours of the day in which the first ceremony is held and conclude at 24.00 (midnight) of the same day.

- ❖ In Scotland and Northern Ireland, Bahá'í Marriage Officers are also empowered as celebrants of civil marriages and if planning a marriage there, you will need to refer to our Note for Guidance on Marriage on Scotland or Northern Ireland.
- ❖ the marriage vows to be recited in the presence of witnesses approved by the local Spiritual Assembly.
- ❖ Neither party should be already married to a third person. If either has been married before, a death certificate of the other spouse, or a copy of the decree of civil divorce needs to be supplied. If the individual was a Bahá'í when he or she divorced, proof of a Bahá'í divorce by way of a letter from the Spiritual Assembly which oversaw the divorce will also be required.

PARENTAL CONSENT

In order to be married by Bahá'í law, a local Spiritual Assembly must be satisfied that written or verbal consent has been given by all living natural parents of parties to the marriage, whether or not they are Bahá'ís. This consent is to the union itself, not to the Bahá'í ceremony. However, it should be borne in mind that if the consent to the union is made conditional upon the parties not having a Bahá'í wedding, then this is not acceptable as consent and the marriage should not take place.

“This great law He (Bahá'u'lláh) has laid down to strengthen the social fabric, to knit closer the ties of the home, to place a certain gratitude and respect on the part of children to those who have given them life and sent their souls out to the eternal journey toward their Creator.” (From a letter dated 25 October, 1947 written on behalf of Shoghi Effendi to the National Spiritual Assembly of the United States of America).

In obtaining consent a Bahá'í has the following guidelines:

- ❖ *“Regarding the question whether it is necessary to obtain the consent of the parents of a non-Bahá'í participant in a marriage with a Bahá'í ; as Bahá'u'lláh has stated that the consent of the parents of both parties is required in order to promote unity and avoid friction, and as the Aqdas does not specify exceptions to this rule, the Guardian feels that under all circumstances the consent of the parents of both parties is required ...”*
(Shoghi Effendi, letter dated 12 August, 1941, to the National Spiritual Assembly of the United States and Canada)
- ❖ The House of Justice states that, unless adoption law expressly forbids it, “an adopted child should make every effort to discover the whereabouts of missing natural parents

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and seek their consent." (From a letter dated July, 1965 written by the Universal House of Justice, quoted in "Assembly Resource Compilation," Canada)

- ❖ *"In the case of adoption where the adoption contract forbids disclosure of the natural parents this proviso should be respected. Consent of adoptive parents is not necessary to Bahá'í marriage although there is no objection at all to their giving it if the parties concerned so desire. In the case of an abandoned child, if the abandonment really means that the baby has been left to be discovered by other people, it is obviously impossible to trace the parents. If, however, either parent is known and there are no legal barriers in the way consent should be sought..."* (From a letter dated 6 August, 1969 written by the Universal House of Justice to the National Spiritual Assembly of the British Isles)
- ❖ *"It is preferable that this consent be given in writing, but if this is not possible, or is, for some reason inadvisable, verbal consent in the presence of witnesses is sufficient."* (From a letter dated 25 April, 1958 written by the Hands in the Holy Land).

N.B. The verbal consent mentioned in the above quotation could be by means of a telephone conversation provided the local Spiritual Assembly has no doubt as to the identity of the parent.

- ❖ If any of the parents are deceased, evidence of death may be required.
- ❖ *"We have carefully reviewed your letter of August 2, 1965, concerning the Bahá'í youth who is having difficulty in obtaining the consent of her father in connection with her marriage. We give you the following principles which should be applied in this case: 'If it is legally established that the man in question is the father of the girl, she must obtain his consent if he is alive. If he has disappeared to the degree that he can be presumed legally dead, then his consent is not required.'"*

"Concerning the question of whether or not the man in question should be considered as her natural father, the following principles apply: 'If his name appears on her birth certificate and if the law presumes that the name on the birth certificate is that of the father, then he should be considered as the father for the purpose of obtaining consent. If the name of the father given on the birth certificate is not a conclusive presumption of parenthood, and if the man in question has always denied that he is the father of the child, the girl is not required to seek the consent of this man unless it has been legally established that he is the father, notwithstanding his denial.'" (From letter from Universal House of Justice to National Spiritual Assembly of Belgium, 8 August, 1965).

LEGAL MARRIAGE CEREMONY

A Bahá'í wishing to marry is obliged to have a Bahá'í ceremony, even if the other partner is not a Bahá'í. As Bahá'í marriage has not yet been given legal recognition in the United Kingdom (with the exception of Scotland and Northern Ireland), a legally recognised ceremony must be held **on the same day**.

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“As far as Bahá'í law is concerned, the Bahá'í marriage ceremony may be held either before or after the civil one. It is possible, however, that the civil law may require the civil one to be held first.” (From an e-mail dated 11 August 1999 to the National Spiritual Assembly of the Bahá'ís of the United Kingdom)

Please note: that in England and Wales the civil law does not require the civil wedding to be first.

If one partner is not a Bahá'í the legal wedding may be the religious ceremony of another religion, but if both bride and groom are Bahá'ís the legal ceremony should be in a registrar's office.

“No compromise in the question of non-Bahá'í religious marriage ceremonies in cases where both parties are Bahá'ís” (is permitted). (From a letter dated 5 May, 1957 written by Shoghi Effendi to the National Spiritual Assembly of Australia).

The Universal House of Justice has further added that “when, for the sake of their Christian relatives, a Bahá'í couple attend a church service to pray for the blessing of their marriage, they should avoid anything which might make the service seem to be a wedding service...” No rigid rules were laid down in this respect as conditions vary from place to place.

Where one partner is not a Bahá'í and the legal ceremony is that of another religion, Bahá'ís have the following guidelines: -

“...it must be quite clear that, first, the Bahá'í partner is understood to be a Bahá'í by religion, and not to accept the religion of the other party to the marriage through having his or her religious ceremony, and, second, the ceremony must be of a nature which does not commit the Bahá'í to any declaration of faith in a religion other than his own...” (From “Local Spiritual Assemblies,” compilation of the United States of America, p.91)

“When a Bahá'í marries a non-Bahá'í he (or she) can in no wise surrender his right to teach his children what he (or she) believes.” (From a letter written by the Universal House of Justice quoted in the “Local Spiritual Assemblies,” compilation of the United States of America, p.91).

Where neither religious ceremony is recognised in law, the following guidance applies: -

“If a civil ceremony is required by law in addition to the two religious ceremonies, all three ceremonies must be held on the same day.” (From a letter written on behalf of the Universal House of Justice to the National Spiritual Assembly of Greece, July 15, 1980)

THE BAHÁ'Í MARRIAGE CEREMONY

Local Spiritual Assemblies are responsible for the conduct of any Bahá'í marriage taking place in their area of jurisdiction, even if the Bahá'ís concerned do not belong to their community but to a different one (or are isolated believers). They should ensure that the requirements regarding consent and the legal marriage are observed (see above), and that two witnesses acceptable to the Assembly are present when the bride and groom, following the Law of the Aqdas, state: *“We will all, verily, abide by the Will of God.”* The

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friends can add selected writings if they please. Selections from Bahá'í and other Scripture and even secular readings, prayers and music may be used, it is left entirely to the couple being married who may wish to give consideration to their relatives and friends. Where there is no local Assembly, the National Spiritual Assembly will appoint those who will ensure Bahá'í requirements are met and that the "witnesses" are people of integrity.

BAHÁ'Í MARRIAGE CERTIFICATE

The local Spiritual Assembly is responsible for obtaining copies of the Bahá'í Marriage Certificate from the National Assembly's office. When a marriage takes place the Assembly should ensure that two copies of the certificate are signed and witnessed. One copy is for the couple, and one for the files of the authorising Assembly. One photocopy should be sent to the National Office for registration (samples appear in appendices).

TYPES OF MARRIAGE CERTIFICATES

There are four different types of marriage certificate, as follows:

- ❖ For a Bahá'í marriage that takes place anywhere in the UK, including Scotland, in the area of jurisdiction of a local Spiritual Assembly, except when it is solemnised in accordance with the Marriage (Scotland) Act 1977.
- ❖ For a Bahá'í marriage that takes place anywhere in the UK, including Scotland, outside the area of jurisdiction of a local Spiritual Assembly (when such a Bahá'í marriage is conducted under the jurisdiction of the National Assembly) except when it is solemnised in accordance with the Marriage (Scotland) Act 1977.
- ❖ For a Bahá'í marriage that takes place in Scotland (in the area of jurisdiction of a local Spiritual Assembly) and is solemnised in accordance with the Marriage (Scotland) Act 1977.
- ❖ For a Bahá'í marriage that takes place in Scotland (outside the area of jurisdiction of a local Spiritual Assembly) and is solemnised in accordance with the Marriage (Scotland) Act 1977 by the legally recognised Bahá'í marriage officers of the National Spiritual Assembly.

Unless the bride and bridegroom specially ask for additional copies, the National Assembly's office usually supplies an original plus two copies of the marriage certificate where a marriage takes place in the area of jurisdiction of local Spiritual Assembly. The names of the couple should be clearly written.

SIGNING BY PARENTS

- ❖ If the parents have already given their consent, it is not essential (although desirable) for their signatures to appear on the marriage certificate.
- ❖ When consent is given, but the parents are not present at the ceremony, the words "consent given" should be inserted in the appropriate section.

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- ❖ If the parents have given their consent and are not present at the ceremony, but the family wishes to have their signatures on the certificate, the certificates may be sent to them for signing after the ceremony.
- ❖ When a parent has died, it is recommended that the word “deceased” be inserted in the appropriate section.
- ❖ When a parent is not known, or could not be located, it is recommended that the words “Assembly satisfied parental consent” be inserted in the appropriate section.

MARRIAGE IN TWO COUNTRIES

As stated above under “BASIC REQUIREMENTS”, the performance of a Bahá'í marriage ceremony must take place on the same day as a separate civil marriage ceremony. Provided the two ceremonies take place on the same day (without a night intervening between them), Bahá'í marriage can take place in two countries.

However, as the local Spiritual Assembly is responsible for the conduct of any Bahá'í marriage taking place in its area of jurisdiction, it must be clearly decided which Spiritual Assembly is responsible for overseeing the marriage and ensuring that all the relevant requirements are met. Consideration will also have to be given to the following guidance from the Universal House of Justice from a letter of 11 August 1999 to the National Spiritual Assembly of the United Kingdom:

As far as Bahá'í law is concerned, the Bahá'í marriage ceremony may be held either before or after the civil one. It is possible, however, that the civil law may require the civil one to be held first.

It should be noted that in the United Kingdom there is no such requirement in civil law. However, where relevant the requirements of any other National Assembly and other civil jurisdiction will have to be ascertained by the parties prior to any arrangements being made.

VIOLATION OF THE BAHÁ'Í MARRIAGE LAW

One of the most vital services an Assembly can perform, as an assistance to the process of community consolidation, is to encourage the believers to observe the Marriage Law revealed by Bahá'u'lláh .

“In many cases of breach of Marriage Law, the believers apparently look upon the Law requiring consent of parents before marriage as a mere administrative regulation and do not seem to realise that it is a law of great importance affecting the very foundations of human society.” (From a letter dated 29 August, 1965 written by the Universal House of Justice to the National Spiritual Assembly of the United States of America. Also see para.1 of p.2 of this note)

Local Spiritual Assemblies should ensure that everyone in the community especially Bahá'í youth, are aware of the requirements of the Bahá'í marriage which are based directly on the laws of Bahá'u'lláh Himself, and that violation of these laws is a very serious matter which could lead to the loss of voting rights.

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In cases where the Assembly has reason to believe that a marriage is being contemplated which would not conform to Bahá'í law, the Assembly has the responsibility to make every effort to counsel the Bahá'í party or parties involved on all the relevant details.

“ The sanction of the removal of voting rights applies to both the requirement of parental consent and the requirement of a Bahá'í service.”(From a letter dated 5 May, 1957 written by Shoghi Effendi to the National Spiritual Assembly of Australia).

However, in this, as in all matters of Bahá'í law, the local Spiritual Assembly should not assume that removal of voting rights is automatic. A full report should be forwarded to National Spiritual Assembly which, alone, after consideration of the circumstances, is empowered to remove voting rights.

“At the present stage in the development of the Bahá'í community, a Bahá'í who failed to have a Bahá'í marriage through ignorance of the law is in a different category altogether from those who willingly broke the law. The latter must have a Bahá'í ceremony in order to regain their voting rights; they must, in other words, obey the law they previously disobeyed; but the former should be treated in the same manner as those Bahá'ís who married before they entered the Faith and those Bahá'ís who married without a Bahá'í ceremony before the law was applied. They should be considered married and not be required to have a Bahá'í ceremony.” (Universal House of Justice, 20 January 1966)

RESTORATION OF VOTING RIGHTS

- ❖ Removed due to violation of the Marriage Law: Voting Rights can only be restored by the National Spiritual Assembly when it is satisfied that the Bahá'ís involved are prepared to correct that which led to the removal of their voting rights.

The following quotations contain specific guidance relating to the removal of voting rights for the violation of the Marriage Law.

In a letter dated 26 October, 1970 regarding violation of the law concerning parental consent, the Universal House of Justice wrote to the National Spiritual Assembly of British Isles: *“...We would point out that the believer was not obligated to marry but, knowing the Bahá'í law, could have made constant efforts and waited until the consent of parents had been obtained. On the point of justice, there are many believers in the world who have done this; some have waited a very long time before getting married and some have not even married at all in order to conform to the law of Bahá'u'lláh . It would therefore not be fair to permit others to evade the law easily.”*

With regard to restoration of voting rights, the National Assembly also considers the nature of the non-Bahá'í marriage ceremony: *“ A civil marriage ceremony itself is not contrary to Bahá'í law ... therefore the dissolution of the civil marriage would not be required. If (a believer) participated in the religious ceremony of another faith, the question of denial or concealment of his faith, or the undertaking of a vow contrary to Bahá'í principles may enter in. If a Bahá'í denies his faith, conceals it or undertakes a vow contrary to Bahá'í principles, restoration of his voting rights is dependent upon his repairing the wrong. If the marriage was dependent upon any of the foregoing, he must also divorce.”*

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BAHÁ'Í ENGAGEMENTS

“ The law of the Kitáb-i-Aqdas that the lapse of time between engagement and marriage should not exceed ninety-five days, as all Persian Bahá'ís should know ,is binding on them where ever they reside, if both parties are Persian. This law is not applicable, however, if one of the parties is a Western believer.”

“ This law, as you know, has not yet been given to the Bahá'ís of the West.” (From a letter dated 7 November, 1972 written by the Universal House of Justice).

SPECIAL NOTE – MARRYING SOMEONE WHO IS NOT A UK NATIONAL - NEW GUIDANCE FROM FEBRUARY 2005

The National Spiritual Assembly would like to draw to the attention of any UK believer planning to marry someone who is not a UK national a new regulation which the Home Office has brought into force as of 1st February 2005. (The only exceptions to this are individuals from the EU and Switzerland).

According to this, a non-UK national wishing to marry in the UK must hold either a fiancé(e) or visitor marriage entry clearance visa (obtainable from outside the UK), or a Home Office Certificate of Approval (which must be obtained if the person is here on a business or student visa); or the individual must have indefinite leave to remain in the UK.

The Home Office Certificate of Approval is a new document (application fee £135) and you should be aware that it can take some time to obtain. You should allow a period of three months to be sure of obtaining this. Although sometimes it may come through sooner, this cannot be guaranteed. **(If you are marrying someone of Middle Eastern Muslim background, it is likely to take more time).** Persian friends should be aware that this can have implications for the setting of the date of the 95 day engagement. It also could cause difficulties when planning travel to the UK for family members wanting to attend your wedding. We urge the friends to ensure that they have applications for any necessary visas and certificates well in hand before they finalise their wedding date.

For further information on these matters we strongly recommend that the friends consult the Home Office Website and study the section "Marrying in the UK - Frequently Asked Questions". See www.ukvisas.gov.uk/ Or phone their enquiry desk at 0870 606 7766.

If you have any difficulties regarding a wedding which is already planned, please do not hesitate to seek further guidance from the National Spiritual Assembly.