

Hacking the law: On the role of the marriage officiant in the State of Washington

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The role of the officiant in marriages in the State of Washington is kind of strange.

For example, the wedding license is filled out in triplicate. One copy goes to the county clerk. The second copy goes to Olympia, the state capital. The third copy goes to the officiant. But the law doesn't say what the officiant must do with that third copy. There is no law that requires the officiant to keep records of the weddings at which he or she has served as officiant, nor is there any law that requires the officiant to produce the copy of the license in case of a dispute. It's just given to the officiant with no strings attached.

And then there's the issue of which people are qualified to act as officiants: In addition to the usual list of government officials, the law authorizes "any regularly licensed or ordained minister ... or similar official of any religious organization." Although the term "religious organization" is defined, the definition is broad enough that any organization can be a religious organization by simply claiming to be one, at which point it can nominate anyone it chooses as a minister.

Okay, so basically anybody can serve as an officiant if they are willing to work at it.

But suppose you find out years later that your minister was not properly ordained, or that he or she lied about his qualifications? No worries; the State of Washington has you covered there, too:

RCW 26.04.060: Marriage before unauthorized cleric

A marriage solemnized before any person professing to be a minister ... or similar official of any religious organization in this state ... is not void, nor shall the validity thereof be in any way affected [on these grounds], if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

So if your officiant turns out to have been unqualified, don't worry. The marriage is still valid. So much for that sitcom plot.

Indeed, only one partner needs to believe that the marriage is valid in order for it to become so. One of the partners could knowingly hire a fake officiant, but as long as the other partner believes that the officiant is real, the marriage is still valid.

But wait, it's even more than that. Neither party needs to believe in the officiant's legitimacy. They merely need to believe that the marriage is valid.

Now things get circular.

Suppose both partners convince themselves (by delusion, or mistaken understanding, or by reading the law quoted above) that they found a loophole that permits comedian Don Novello in the character Father Guido Sarducci to be an officiant at their wedding. The fact that they believe it to be true *makes it true*.

The conclusion I draw from this is that the role of the officiant in weddings solemnized in the State of Washington is entirely perfunctory. The important thing is that the paperwork gets filed with the county and state.

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