



Wedding of Ryan and Candice Hurley. Courtesy of Rose Law Group

ANALYSIS

Metaverse Marriages Pushing Attorneys to Think Outside the Box About Contract Law

Metaverse marriages might be in their nascent stage, but they are raising questions about whether some states will be open to more virtual ceremonies and blockchain-based marriage contracts.

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Innovation



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The technological evolution born out of the pandemic is not leaving much unchallenged—including weddings and prenups. Shirking the tradition of a chicken-or-fish option, a Phoenix couple tied the knot on a virtual reality metaverse, Decentraland, in a first for such ceremonies in the country on Feb. 4.

Backed by Ethereum blockchain technology, the virtual reality-based ceremony was packed with 2,300 guests, the bride and groom, and an associate justice from the Arizona Supreme Court to officiate. The couple, Ryan and Candice Hurley, had already been married 14 years ago “in person,” and sought to cement the evidence of their union in blockchain.

The marriage certificate came in the form of a non-fungible token, and the prenuptial agreement was recorded into blockchain. Both contracts were crafted by Rose Law Group, an Arizona-based firm that owns property on Decentraland and is able to host events there.

The question remains, however, if such a metaverse wedding on its own can ever be legally binding under any state’s marriage statutes. If not, then will it at least pave the way into a future where virtual weddings might be recognized under the law?

“It’s really interesting both socially and technologically,” said Falcon Rappaport & Berkman attorney Moish Peltz. “I suspect that finding the legal jurisdiction to accept it as legally binding will be the biggest barrier. But eventually, you could really use the blockchain technology to document and memorialize with innovative legal writing that was not happening before.”

Peltz likens the Hurley wedding to that of other weddings in “real life” that are “performances,” while the codifying of a certificate takes place in private in City Hall.

“The idea here is, how can we streamline that and make the metaverse wedding the same as a legal wedding by finding a legal process to enable that,” he said. “For me, this indicates a future potential not just for evolving marriage contracts, but all kinds of contracts that are implicated in blockchain and tokenization technology.”

Peltz also pointed out that the Decentraland wedding is not the first one to take place in a digitalized world. While the social-distancing component might have accelerated the idea of a virtual marriages, he sees it as a trend that started with weddings that took place in massively multiplayer online game (MMO)-type games like World of Warcraft, Everquest, and Second Life years ago.

American Marriage Ministries (AMM) executive director Lewis King sees marriage law as walking a tightrope between “playing catch-up” with technology, and legitimately trying to codify unions responsibly to keep them socially intact.

“Marriage law is a relatively recent artifact, only about 100 to 150 years old,” King said. “With the pandemic, I think something has changed and peoples’ expectations of a wedding have changed.”

The newness of marriage law, first recognized by the federal government in 1913 and expanded in 1929, makes it primed for potential changes, “especially in certain states,” King said.

New York, Ohio, Hawaii, Utah and California, among other states, amended their regulations in 2021 to allow for online marriage certification that did not require any in-person component. However, most have walked back from that since, going back to requirements of a physical appearance.

In King's view, Utah might be the first state where state marriage law could potentially be evolved so as to work with a blockchain marriage contract in the metaverse. Utah County within the state is the only jurisdiction where a marriage can be officiated online and the marriage license can be applied for online.

The certificate looks the same for both an online wedding or in-person, and the county has not shown any indication of going back.

He credits the county's Mormon population to this flexibility, viewing marriage from a more "global" and "missionary" perspective.

Of course, a metaverse marriage is even further from a wedding on Zoom or Skype.

At the Hurley's metaverse ceremony, virtual guests adorned avatars of their choosing, with some wearing rainbow flag shirts or fluorescent wings to hover above the party, while others were in more conservative tuxes and vests in the fully digitalized reality. Like the marriage certificate, the presents that the avatars gifted the happy couple were also in the form of NFTs.

Whether a similar ceremony will be legal in the future, however, is an open question.

"I think it comes down to the question of does it meet the fundamental principles of online law," said Berkman Bottger, Newman & Schein marriage attorney Evan Schein. "In terms of online marriages and contracts encoded in the metaverse, I don't even think we have scratched the surface yet. We are in the infancy stage."

Still, Schein said the virtual marriage trend might work to change some other forms of contracts rooted in the idea of physical presence. “It isn’t something that has been universally accepted,” Schein said. “But it has tremendous possibility for how attorneys view contracts.”

Whether marriage law evolves to accommodate our technology or not, it won’t be swift, King stressed.

“Logistically, bureaucratic requirements will have to be met,” he said. “We would have to get lawmakers on board, and then eventually find a way to integrate the new laws with the county clerk and state office. It is a very slow process.”

However, couples are already pacing past the bureaucracy into the metaverse. Founder of Rose Law Group, Jordan Rose, said her firm has received 700 contracts since the Hurley wedding inquiring about metaverse marriage and preparing NFTs. Outside of the U.S. a couple in Tamil Nadu, India, is planning a Harry Potter-themed metaverse wedding to accommodate over 2,000 people.

“We are watching it all very closely,” King said.