

This is a repository copy of *Religious marriage of same-sex couples : A report on places of worship in England and Wales registered for the solemnization of same-sex marriage*.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/124435/>

Version: Published Version

---

## **Monograph:**

Johnson, Paul James orcid.org/0000-0001-6391-7906, Vanderbeck, Robert M and Falcetta, Silvia orcid.org/0000-0001-5275-6940 (2017) Religious marriage of same-sex couples : A report on places of worship in England and Wales registered for the solemnization of same-sex marriage. Report. University of York and University of Leeds

---

## **Reuse**

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

## **Takedown**

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing [eprints@whiterose.ac.uk](mailto:eprints@whiterose.ac.uk) including the URL of the record and the reason for the withdrawal request.

# Religious marriage of same-sex couples

**A report on places of worship in England and Wales registered for the solemnization of same-sex marriage**

Paul Johnson

Robert M. Vanderbeck

Silvia Falcetta



# Religious marriage of same-sex couples

A report on places of worship in England and Wales registered for the solemnization of same-sex marriage

## Paul Johnson

Professor and Head of the Department of Sociology,  
University of York

## Robert M. Vanderbeck

Professor and Head of the School of Geography,  
University of Leeds

## Silvia Falcetta

Research Associate in the Department of Sociology,  
University of York

November 2017

For further information please contact:  
[silvia.falcetta@york.ac.uk](mailto:silvia.falcetta@york.ac.uk)



## Foreword

The change in law in 2013 to allow same-sex couples to marry in England and Wales was a major milestone on the road to legal equality for gay men and lesbians in the United Kingdom. Same-sex couples in England and Wales now have the same opportunities as different-sex couples to marry by way of a civil ceremony in, for example, a register office or approved premises such as hotels.

However, same-sex couples who wish to marry by way of a religious ceremony in England and Wales are at a significant disadvantage to different-sex couples. Only a small number of religious organizations, and the tiniest number of places of worship, permit same-sex marriage. As a consequence, same-sex couples have very little opportunity to marry in a place of worship or by way of a religious ceremony.

Religious faith and homosexuality are not antithetical. Many same-sex couples who want to get married wish to do so according to the rites of their faith. This fact is recognized by those religious organizations that have taken the significant step of offering same-sex couples the opportunity to have a religious marriage ceremony.

This report presents findings from the first piece of empirical research on religious marriage of same-sex couples in England and Wales. Drawing on a unique dataset, it provides an insight into why places of worship take the decision to permit same-sex marriage, their experiences of offering same-sex couples a religious marriage ceremony, and the consequences of doing so.

We hope that this report will stimulate debate about the current relationship between marriage, religion, and equality on the grounds of sexual orientation.

# Contents

<b>1.</b>	<b>Introduction</b>	<b>4</b>
<b>2.</b>	<b>Legal context</b>	<b>5</b>
<b>3.</b>	<b>Research design, method and sample</b>	<b>8</b>
<b>4.</b>	<b>Opting in and numbers of same-sex marriages in places of worship</b>	<b>10</b>
	Opting in to same-sex marriage in places of worship	10
	Same-sex marriage in places of worship	11
	The scale of same-sex marriage in places of worship	11
	Rates of marriage of male same-sex and female same-sex couples in places of worship	11
	Same-sex marriage as a proportion of all marriages solemnized in places of worship	12
	Converting civil partnership to marriage in places of worship	12
<b>5.</b>	<b>The process of opting in to same-sex marriage</b>	<b>13</b>
	Proposing to opt in to same-sex marriage	13
	The role of congregations in the decision-making process	14
<b>6.</b>	<b>Locations and ceremonies</b>	<b>15</b>
	Geographical location	15
	Existing connections to a place of worship	17
	Religious affiliation of same-sex couples	17
	Accommodating religious belief	18
<b>7.</b>	<b>The effects of registering a place of worship for same-sex marriage</b>	<b>20</b>
	Relationship between a place of worship and its religious group	20
	Relationship between a place of worship and other religious organizations	21
	Relationship between a place of worship and people in the community	21
	Negative impact within congregations	22
	Positive impact within congregations	24
	Advertising and marketing a place of worship	25
	Impact on different-sex marriage rates	26
<b>8.</b>	<b>Religious protections</b>	<b>26</b>
<b>9.</b>	<b>Summary of conclusions</b>	<b>29</b>

## 1. Introduction

- 1.1. The Marriage (Same Sex Couples) Act 2013 made the marriage of same-sex couples lawful in England and Wales. In doing so, the legislation granted same-sex couples the same opportunities previously afforded to different-sex couples to have a marriage solemnized by way of a civil ceremony. The legislation also granted same-sex couples the opportunity to have a marriage solemnized by way of a religious ceremony, but only when a religious organization has 'opted in' to solemnizing such marriages.
- 1.2. The opt in process created by the Marriage (Same Sex Couples) Act 2013 was designed to ensure that the marriages of same-sex couples cannot be solemnized on religious premises or by way of a religious ceremony without the express consent of the religious organization concerned. The Marriage (Same Sex Couples) Act 2013 contains a suite of provisions designed to ensure that religious organizations and their representatives who do not wish to solemnize the marriage of same-sex couples cannot be compelled to do so.
- 1.3. Any religious organization may opt in to solemnizing the marriage of same-sex couples, except for the Church of England and the Church in Wales. If a religious organization has opted in to marry same-sex couples, such marriages may be solemnized by way of a religious ceremony in a certified place of worship that has been appropriately registered, or in another place according to the usages of the Jewish religion or the Religious Society of Friends (Quakers). Such marriages may also be solemnized by way of a religious ceremony in places where a person is detained, house-bound, or is seriously ill and is not expected to recover.
- 1.4. There are currently 182 certified places of worship in England and Wales that are registered for the solemnization of same-sex marriage.<sup>1</sup> In addition to these, the solemnization of same-sex marriage is permitted to take place according to the usages of the Jewish religion and the Religious Society of Friends when the relevant governing authority of those religious organizations has given written consent to such marriages – in practice, such marriages are generally solemnized in Synagogues and Quaker Meeting Houses.
- 1.5. Religious premises in which same-sex marriage may be solemnized are a tiny proportion of the religious premises in which different-sex marriage may be solemnized. There are currently 22,799 certified places of worship

<sup>1</sup> HM Passport Office, 'Places of worship registered for marriage' (16 October 2017).



in England and Wales that are registered for the solemnization of different-sex marriage.<sup>2</sup> In addition, the solemnization of different-sex marriage is permitted in the almost 16,000 churches of the Church of England and the approximately 1,350 churches of the Church in Wales. Different-sex marriage may also be solemnized according to the usages of the Jewish religion and the Religious Society of Friends.

- 1.6. The prohibition of marriage of same-sex couples in approximately 40,000 places of worship that permit different-sex couples to marry creates a significant difference in opportunity between same-sex and different-sex couples.<sup>3</sup> This difference in opportunity is reflected in the fact that in 2014, 28% of marriages of different-sex couples in England and Wales were solemnized by way of a religious ceremony in contrast to 0.5% of marriages of same-sex couples.<sup>4</sup>
- 1.7. This report, which focuses on certified places of worship that are registered for the marriage of same-sex couples, provides a unique insight into those religious organizations that offer same-sex couples the opportunity of a religious marriage. The report examines a number of diverse issues, such as how those in a religious organization decide to opt in to same-sex marriage, what effects this has on the religious organization and others outside of it, the rates at which same-sex marriages have been solemnized by religious organizations, the extent to which religious organizations will accommodate the religious beliefs of same-sex couples that differ from their own, and the relevance of religious protections for members of a religious organization that do not wish to conduct or otherwise participate in a same-sex marriage ceremony. As such, the report provides the first systematic consideration of how religious marriage of same-sex couples is operating in England and Wales.

## 2. Legal context

- 2.1. In this section we outline the legal framework governing the solemnization of religious marriage of same-sex couples in England and Wales.
- 2.2. In making the marriage of same-sex couples lawful in England and Wales, the Marriage (Same Sex Couples) Act 2013 amended the Marriage Act 1949 to create a new legal framework governing the solemnization of such marriages on the authority of superintendent registrar certificates in both civil and religious contexts.<sup>5</sup>

<sup>2</sup> *ibid.*

<sup>3</sup> This number is calculated by counting certified places of worship registered only for different-sex marriage, and the churches of the Church of England and Church in Wales.

<sup>4</sup> Office for National Statistics, 'Marriages in England and Wales: 2014' (14 March 2017).

<sup>5</sup> The Marriage (Same Sex Couples) Act 2013 also amended the Marriage (Registrar General's Licence) Act 1970 which regulates 'deathbed marriages' solemnized on the authority of Registrar General's Licence.

- 2.3. In respect of marriages solemnized by civil ceremony, the method of authorizing a marriage is the same for different-sex and same-sex couples.<sup>6</sup>
- 2.4. In respect of marriages solemnized by religious ceremony, the method of authorizing a marriage of a same-sex couple is significantly different to that of a different-sex couple. The marriage of a same-sex couple by religious ceremony may only be authorized if the relevant religious organization has undertaken to opt in to same-sex marriage.<sup>7</sup> This requirement is intended to allow religious organizations to solemnize the marriages of different-sex couples without having to solemnize the marriages of same-sex couples.
- 2.5. Any religious organization in England and Wales, other than the Church of England or the Church in Wales, may utilize the opt in provisions contained in the Marriage Act 1949 if they wish to solemnize the marriages of same-sex couples.
- 2.6. The opt in process is different for, on the one hand, marriage of same-sex couples by religious ceremony in certified places of worship that are required to be registered for the solemnization of such marriages<sup>8</sup> and, on the other hand, marriage of same-sex couples in other places according to religious rites or usages.<sup>9</sup>
- 2.7. A certified place of worship in this context is any building that has been recorded by the Registrar General as a place of meeting for religious worship.<sup>10</sup> There are 29,588 certified places of worship in England and Wales – a number which does not include the almost 16,000 churches of the Church of England, and 1,350 churches of the Church in Wales.<sup>11</sup>
- 2.8. A religious organization that wishes to solemnize a same-sex marriage in a certified place of worship must apply to the superintendent registrar of the registration district in which the building is situated to register a building for this purpose. This application must be made by a proprietor or trustee of the building and involves demonstrating that the ‘relevant governing authority in relation to the building’ has given written consent to marriages of same-sex couples.<sup>12</sup> If the building is not already registered for the solemnization of different-sex marriage,<sup>13</sup> then the application must also be accompanied by a ‘certificate of use for religious worship’,

<sup>6</sup> Marriage Act 1949, s 26.

<sup>7</sup> Marriage Act 1949, ss 26A-26B.

<sup>8</sup> Marriage Act 1949, s 26A.

<sup>9</sup> Marriage Act 1949, s 26B. See also Marriage (Registrar General’s Licence) Act 1970, s 1.

<sup>10</sup> Places of Worship Registration Act 1855.

<sup>11</sup> HM Passport Office, ‘Places of worship registered for marriage’ (16 October 2017).

<sup>12</sup> Marriage Act 1949, s 43A.

<sup>13</sup> Marriage Act 1949, s 41.



which is a certificate given by at least 20 householders and dated not earlier than one month before the making of the application stating that they use the building as their usual place of public religious worship and wish it to be registered for the marriage of same-sex couples.<sup>14</sup> A successful application will result in the building being registered by the Registrar General as a place of worship in which the marriage of same-sex couples may be solemnized.

- 2.9. All religious organizations that wish to solemnize marriage of same-sex couples in a certified place of worship must comply with these opt in requirements, except the Religious Society of Friends and those of the Jewish religion which may solemnize same-sex marriage by religious ceremony (according to the usages of those religions) without registering a building, providing the relevant governing authority has given written consent to such marriage.<sup>15</sup>
- 2.10. In respect of marriage of same-sex couples in registered buildings, a marriage (as is the case with different-sex marriage) may be solemnized 'according to such form and ceremony' as the persons being married 'see fit to adopt'.<sup>16</sup> Any such marriage must be solemnized in the presence of either a registrar of the registration district in which the registered building is situated or an authorized person who has been certified accordingly by the trustees or governing body of the registered building or of some other registered building in the same registration district.<sup>17</sup>
- 2.11. In common with marriages solemnized by civil ceremony, a marriage solemnized in a registered building must involve each of the persons being married saying prescribed declaratory and contracting words.<sup>18</sup>
- 2.12. Same-sex couples who have registered an England and Wales civil partnership can convert a civil partnership to a marriage on religious premises, including certified places of worship registered for the solemnization of same-sex marriage, provided that the governing authority of the religion concerned has given written consent to the reading or celebration of a religious service immediately following the conversion of the civil partnership.<sup>19</sup> The conversion of a civil partnership to a marriage in this way is a civil process administered by a superintendent registrar on religious premises.<sup>20</sup>

<sup>14</sup> Marriage Act 1949, s 43A.

<sup>15</sup> Marriage Act 1949, s 26B.

<sup>16</sup> Marriage Act 1949, s 44(1).

<sup>17</sup> Marriage Act 1949, s 44(2).

<sup>18</sup> Marriage Act 1949, ss 44(3)-44(3A).

<sup>19</sup> The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014, reg 12; Marriage Act 1949, s 46.

<sup>20</sup> Paul Johnson and Robert M. Vanderbeck (2017) 'Sacred spaces, sacred words: religion and same-sex marriage in England and Wales', *Journal of Law and Society*, 44(2) 228–254.

### 3. Research design, method and sample

- 3.1. In this section we outline how we collected the data for the research and describe some characteristics of the sample of respondents.
- 3.2. The research presented in this report focuses on those religious organizations in England and Wales that are required, if they wish to solemnize the marriage of same-sex couples, to register a certified place of worship for this purpose, and have chosen to do so.<sup>21</sup>
- 3.3. At the time of our research, of the 22,884 places of worship that were registered to solemnize different-sex marriage, 139 of these (approximately 0.5%) were also registered to solemnize same-sex marriage.<sup>22</sup>
- 3.4. Our primary aim in carrying out the research was to gain an understanding of why and how this small group of religious organizations decided to opt in to solemnizing same-sex marriage, their motivations for doing so, and the effects and outcomes of their decision.
- 3.5. To carry out the research we designed an online survey for distribution to each of the 139 places of worship that had opted in to solemnizing same-sex marriage. These places of worship are affiliated to a number of religious groups, including Baptists, Buddhists, Christian Spiritualists, Congregationalists, Lutherans, Protestant Dissenters, Reformed Church of the Netherlands, Spiritualists, Unitarians, the United Reformed Church, and other designated religions.
- 3.6. We did not include the Jewish religion or the Religious Society of Friends in our research because, although these religious organizations do solemnize same-sex marriage in some of their places of worship and elsewhere, they are not required to register a place of worship for this purpose and, as a consequence, are not included in records relating to same-sex marriage held by the Registrar General.
- 3.7. The online survey consisted of a total of 32 questions. The questions were a mix of closed-ended, open-ended and matrix style formats. The survey was designed to produce both quantitative and qualitative data.
- 3.8. All participants in the survey gave their informed consent. To ensure their anonymity we do not refer to the participants by name or to their place of worship.

<sup>21</sup> Hereinafter we refer to 'certified places of worship' as 'places of worship'.

<sup>22</sup> HM Passport Office, 'Places of worship registered for marriage' (4 November 2016).

3.9. Of the 139 places of worship registered for the solemnization of same-sex marriage at the time of the research, we were able to establish contact with and distribute the survey to 113 places of worship in early September 2017. By early November we had received responses from 71 places of worship, representing a response rate of 63%.

3.10. The sample comprises places of worship affiliated with the following religious groups:

47 Unitarian (with a small number specifying Unitarian and Free Christian, or Unitarian Universalist);

13 Spiritualist;

11 Baptist, United Reformed Church, and other individual places of worship (which we group together to preserve their anonymity).

3.11. The response from each place of worship was given by one individual who provided us with details of their primary role in the place of worship. The respondents' primary roles were as follows:

54% stated that they held a 'spiritual role' such as Minister, Reverend, Healing Leader, or Lay Leader;

18% stated that they were a proprietor or trustee;

28% stated that they held other roles, including being the authorized person for the solemnization of marriage in the place of worship.

However, given that the sample comprises many small religious organizations, it is unsurprising that some respondents reported that, alongside their primary role, they also held other roles. For example, one respondent reported holding a spiritual role and, in addition, the role of trustee. This is relevant because respondents often have wide-ranging experience of the administration of their religious organization and place of worship.

3.12. A substantial majority of individual respondents (89%) were associated with the place of worship they were reporting on before it was registered for same-sex marriage. Therefore, the sample of respondents can be seen to generally comprise key informants with first-hand experience of how, when and why those in a place of worship decided to opt in to solemnizing same-sex marriage.

## 4. Opting in and numbers of same-sex marriages in places of worship

- 4.1. In this section we explore issues relating to the rates at which places of worship have registered to solemnize same-sex marriage and the number of marriages that have been solemnized.

### Opting in to same-sex marriage in places of worship

- 4.2. Religious organizations have been able to register a place of worship in England and Wales for same-sex marriage since March 2014. Within our sample, take up of this opportunity peaked in the first year it was available and then somewhat declined.
- 4.3. 28 places of worship were reported to have been registered for same-sex marriage in 2014, with a further 40 reported as having been registered in near equal numbers in 2015 and 2016.<sup>23</sup>
- 4.4. Available national data show that between November 2016 and October 2017, the number of places of worship registered for same-sex marriage increased by 43, from 139 to 182.<sup>24</sup> This increase, however, did not represent any substantial broadening of the range of religious groups that are choosing to opt in.
- 4.5. It is likely that, unless the range of religious groups deciding to permit same-sex marriage widens, places of worship that are registered to solemnize same-sex marriage will continue to constitute but a tiny proportion of all places of worship registered to solemnize marriage.
- 4.6. This will certainly be the case if the number of places of worship registering for same-sex marriage increases only along current denominational lines because, for many of the religious groups concerned, the total number of places of worship that could be registered is limited. For example, in respect of Unitarians – which constitute the largest religious group currently opted in – approximately 44% of their places of worship are already registered for same-sex marriage.<sup>25</sup>

<sup>23</sup> Three respondents did not indicate the year when the place of worship was registered for same-sex marriage.

<sup>24</sup> HM Passport Office, 'Places of worship registered for marriage' (16 October 2017).

<sup>25</sup> *ibid.*

### Same-sex marriage in places of worship

- 4.7. In just over half of the places of worship in the sample a same-sex marriage has been solemnized. In the case of those places of worship registered for same-sex marriage for the longest available period of time – since 2014 – the percentage in which a same-sex marriage has been solemnized rises only modestly to approximately 60%.

### The scale of same-sex marriage in places of worship

- 4.8. The total number of same-sex marriages that have been solemnized in the places of worship comprising the sample is 83.
- 4.9. Over half of the places of worship that have solemnized a same-sex marriage have done so on only one occasion. 19 places of worship report that they have solemnized one same-sex marriage, eight report that they have solemnized two same-sex marriages, and four report that they have solemnized three same-sex marriages. Only five places of worship have solemnized four or more same-sex marriages, with the highest number of same-sex marriages solemnized in any place of worship reported as 10.
- 4.10. It is clear that most places of worship in the sample carry out small numbers of same-sex marriage ceremonies. This picture is consistent with what one would expect from the limited official data that are available. Given that official statistics on marriage in 2014 – the last year for which these data are available – show that only 23 of the 4,850 marriages of same-sex couples were by religious ceremonies,<sup>26</sup> it is reasonable to assume that the number of same-sex religious marriages reported by our respondents reflects the generally small numbers across England and Wales.

### Rates of marriage of male same-sex and female same-sex couples in places of worship

- 4.11. Of the total number of same-sex marriages solemnized in the places of worship comprising the sample, the number of marriages of male same-sex couples and the number of marriages of female same-sex couples are almost equal (with slightly more marriages of female same-sex couples).
- 4.12. Given that in 75% of places of worship in which a same-sex marriage has been solemnized there have been no more than two such marriages, it is difficult to identify any trends in respect of the sex of the same-sex couples being married.

<sup>26</sup> Office for National Statistics, 'Marriages in England and Wales: 2014' (14 March 2017).

- 4.13. In the two places of worship that record the highest number of same-sex marriages – both Unitarian churches – one place of worship reports more marriages of male same-sex couples having been solemnized (7 male same-sex couples and 3 female same-sex couples), while the other place of worship reports an almost even number of female same-sex and male same-sex marriages (5 female same-sex couples and 4 male same-sex couples).

#### **Same-sex marriage as a proportion of all marriages solemnized in places of worship**

- 4.14. There is considerable variation between the number of same-sex marriages and the number of different-sex marriages that are solemnized in places of worship that have opted in to same-sex marriage.
- 4.15. In many places of worship, very small numbers of different-sex marriages are solemnized each year. For example, in one place of worship, one different-sex marriage has been solemnized in the last five years and one same-sex marriage has been solemnized in total. In another, approximately equal numbers of same-sex and different-sex marriages have been solemnized each year since the place of worship chose to opt in (2-3 of each per year).
- 4.16. Other places of worship report a considerably larger number of different-sex marriages having been solemnized. One place of worship, for example, reports that approximately 20 different-sex marriages are solemnized per year, but only one same-sex marriage has been solemnized in total. Another place of worship reports that approximately 50 to 60 different-sex marriages are solemnized per year, and 5 same-sex marriages have been solemnized in total.
- 4.17. Therefore, for some places of worship in the sample, same-sex marriages constitute a relatively small proportion of all marriages solemnized, whereas for others same-sex marriages constitute a substantial proportion of all marriages solemnized.

#### **Converting civil partnership to marriage in places of worship**

- 4.18. Same-sex couples that have previously registered an England and Wales civil partnership have been able to convert their civil partnership into a marriage, if they desire to do so, since December 2014. As we explained above, such conversions may happen on religious premises at which the marriage of same-sex couples can take place. The benefit for couples choosing to convert a civil partnership to a marriage on religious premises

is that they are able to have a religious ceremony immediately following the conversion.

- 4.19. It is noteworthy that the vast majority of places of worship comprising the sample have not been utilized to convert a civil partnership into a marriage. Such a conversion has happened in only seven places of worship, involving a total number of eight same-sex couples.
- 4.20. Provisional official data on civil partnership conversions show that between December 2014 and June 2015 – the latest data available – 7,732 couples converted a civil partnership to a marriage.<sup>27</sup>
- 4.21. When the number of total conversions during this period is compared to the number of conversions reported by our respondents, it would appear that only a very small number of same-sex couples choose to convert a civil partnership to a marriage on religious premises.

## **5. The process of opting in to same-sex marriage**

- 5.1. As outlined above, a religious organization that wants to solemnize same-sex marriage in a place of worship must follow the relevant opt in procedures contained in the Marriage Act 1949. In this section, we consider who in religious organizations tends to propose or decide that a place of worship should be registered for same-sex marriage, the way in which such decision-making may involve different stakeholders in a place of worship, and how any disagreement over the issue is negotiated.

### **Proposing to opt in to same-sex marriage**

- 5.2. In just over a third of places of worship comprising the sample it was a person in a spiritual role (Minister, Reverend, Lay Leader etc.) who first proposed that the place of worship be registered for same-sex marriage. In 19% of places of worship it was a proprietor or trustee that made the proposal. Therefore, the proposal to opt in to same-sex marriage was made by a person who occupies a key position in the administration of over half of the places of worship.
- 5.3. In contrast, in 12% of places of worship it was a member or members of the congregation who first proposed that the place of worship should be registered for same-sex marriage. In one Unitarian church it was the

<sup>27</sup> Office for National Statistics, 'Civil Partnerships in England and Wales: 2014' (20 October 2015).



authorized person (for different-sex marriage) that first proposed that the place of worship be registered for same-sex marriage.

- 5.4. In a number of places of worship the proposal to opt in to same-sex marriage emerged from a more collaborative or consultative process. For example, one Unitarian church reported that the proposal came from 'several people including the then Minister, with support from the trustees and congregation', and a Spiritualist church stated that the proposal was made by members of the church Committee, who are democratically elected by the members. Similarly, another church reported that the proposal emerged through a democratic and consultative process:

*The change in the law necessitated that the congregation should discuss our position on the matter, which we did through reflective discussion. The congregation voted unanimously in favour of same-sex marriages taking place at the chapel.*

- 5.5. For some places of worship, opting in to same-sex marriage was something that had been proposed prior to such marriage becoming lawful. For example, one place of worship stated that, since they had 'always offered same sex blessing services, it was always planned to register to [solemnize same-sex marriage] when it became available'.

### **The role of congregations in the decision-making process**

- 5.6. A proposal to register a place of worship for same-sex marriage will likely succeed only if it enjoys support among members of a congregation. Although one respondent stated that the views of the congregation in the place of worship on same-sex marriage 'have not been sought', most respondents described congregational support for same-sex marriage as an essential aspect of the decision-making process involved in registering the place of worship for same-sex marriage.
- 5.7. It is perhaps unsurprising that in nearly all of the places of worship comprising the sample the proposal to opt in to same-sex marriage was reported to have found support among members of congregations. Almost half of respondents described the attitude of the congregation in their place of worship towards same-sex marriage as 'strongly in favour', and just over a third of respondents said that the attitude of the congregation in their place of worship was 'generally in favour' of same-sex marriage. This demonstrates the existence of a high degree of congregational support in most places of worship that have opted in to same-sex marriage.

- 5.8. Significantly, no respondents reported that the attitude of the congregation in their place of worship was 'generally against' or 'strongly against' same-sex marriage.
- 5.9. A small number of places of worship described the attitude of their congregation towards same-sex marriage as divided and explained how this was negotiated in the decision-making process about whether or not to opt in to same-sex marriage. In one place of worship, for example, it was recognized that some members of the congregation 'believe marriage is for one man and one woman' but, during discussions about whether to solemnize same-sex marriage in the place of worship, 'these people essentially said they wouldn't want to hinder anyone's journey so instead didn't take part in the final vote'. Similarly, in a Unitarian church, some 'old members of the congregation who had been brought up in an era when homosexuality was both unlawful and thought to be sinful' decided to abstain in a vote taken on opting in to same-sex marriage. These are examples in which a minority of congregation members may not support the proposal to opt in to same-sex marriage but do not seek to prevent this taking place.

## **6. Locations and ceremonies**

- 6.1. In this section we explore a number of factors relating to the location of the places of worship in which same-sex couples choose to get married, the existing connections same-sex couples may have with a place of worship, the extent to which same-sex couples share the religious faith associated with a place of worship, and the extent to which places of worship are prepared to accommodate the preferences of same-sex couples in respect of a marriage ceremony.

### **Geographical location**

- 6.2. The majority of same-sex marriages solemnized in places of worship comprising the sample involved couples in which one or both of them lived in the same registration district as the place of worship.
- 6.3. By contrast, only 20% of the total number of same-sex marriages solemnized involved couples that live in a registration district or districts in England or Wales outside of the registration district of the place of worship.
- 6.4. Notably, only one same-sex marriage was reported to have been solemnized in a place of worship that involved a couple who live outside of England and Wales in another part of the United Kingdom.

- 6.5. This suggests that most same-sex couples that choose to marry in a place of worship do so in a registered building near to where one or both of them live.
- 6.6. One important factor influencing where same-sex couples choose to marry by way of a religious ceremony is the legal restriction that marriage in England and Wales must normally be solemnized in a registration district in which one of the couple resides.<sup>28</sup> A marriage in a registered building which is not within a registration district in which either of the persons to be married resides is only possible if it is the usual place of worship of one or both of the couple, or if there is not within the registration district in which one of the couple resides any registered building in which marriage is solemnized according to the form, rite or ceremony of the religion to which one of them belongs.<sup>29</sup> Arguably, these exceptions provide same-sex couples with limited assistance since the usual place of worship of one or both of a couple may not permit same-sex marriage and, moreover, it may not be possible for them to locate another place of worship of the religion to which one of them belongs that is within a feasible distance.
- 6.7. Relatedly, there may also be a number of socio-economic reasons why same-sex couples tend not to marry in places of worship outside of a registration district or districts in which they live. Some same-sex couples may not have financial resources available to them to fund a marriage ceremony away from the area in which they live. Some couples may not want to marry outside of their local area for a range of personal or family reasons.
- 6.8. In addition, some same-sex couples who wish to marry in a place of worship, but who are not ordinarily resident in England and Wales, may not have financial or other resources available to them to be able to satisfy the requirement that they must both have lived in England and Wales for at least seven days immediately before giving notice of marriage.<sup>30</sup> This would apply to a same-sex couple ordinarily resident in Northern Ireland – a jurisdiction that does not permit same-sex marriage – who wish to marry in England and Wales.
- 6.9. Given the constraints and restrictions discussed above, it is clear that same-sex couples are at a significant disadvantage to different-sex couples because same-sex couples are more likely to live in a registration district in

<sup>28</sup> Marriage Act 1949, s 34.

<sup>29</sup> Marriage Act 1949, s 35(1)-(2).

<sup>30</sup> Marriage Act 1949, s 27. Exceptions to this requirement apply where one party to an England and Wales marriage is resident in Scotland (Marriage Act 1949, s 37), on one of Her Majesty's ships at sea (Marriage Act 1949, s 39), or is a British or Commonwealth citizen living in a country signed up to the Marriage of British Subjects (Facilities) Acts 1915 and 1916, provided that the other party to the marriage is resident in England and Wales.

England and Wales, or in another place, in which there is no scope to be married in a place of worship according to a desired religious ceremony.

### **Existing connections to a place of worship**

- 6.10. Among places of worship in the sample in which at least one same-sex marriage has been solemnized, 75% have provided a religious marriage ceremony (or civil partnership conversion) to a same-sex couple who has not previously worshiped there.
- 6.11. Approximately 61% of places of worship in which at least one same-sex marriage has been solemnized have never solemnized the marriage (nor converted the civil partnership) of a same-sex couple who had previously worshiped there.
- 6.12. By contrast, 25% of places of worship in which at least one same-sex marriage has been solemnized reported that all of the same-sex couples who married in the place of worship (or converted a civil partnership) had previously worshiped there.
- 6.13. This suggests that places of worship registered for same-sex marriage are generally willing to solemnize the marriage of a couple who have no established connection to the place of worship. This is important given that same-sex couples may have an established connection with a place of worship that does not permit same-sex marriage and, as a consequence, may seek out another place of worship in which to get married.

### **Religious affiliation of same-sex couples**

- 6.14. An issue for same-sex couples who wish to marry by way of a religious ceremony is whether they are able to marry in a place of worship and/or by means of a ceremony in accordance with the religious beliefs of one or both of the couple.
- 6.15. Same-sex couples with connections to faith groups that do not solemnize same-sex marriages in their places of worship may choose to marry in a place of worship connected to another faith.
- 6.16. Our data show that some same-sex couples who belong to Christian religious denominations that do not currently solemnize same-sex marriage choose to marry in a place of worship with a different religious affiliation. However, the number of such couples is likely small. The places of worship in the sample reported, for example, that of the total number of same-sex marriages solemnized (or civil partnerships converted to

marriages), four involved couples in which one or both was Anglican, and five involved couples in which one or both was Catholic.

- 6.17. No place of worship reported a same-sex marriage being solemnized in which one or both of the couple was Hindu, Muslim or Sikh.
- 6.18. This suggests that same-sex couples who adhere to certain religious faiths that do not permit same-sex marriage do not generally utilize the places of worship of other faiths in order to get married.

### **Accommodating religious belief**

- 6.19. Nearly all of the places of worship that comprise the sample are prepared to accommodate, during a marriage ceremony, the religious beliefs of same-sex couples.
- 6.20. All but one of the places of worship reported that they allow couples to choose the structure and content of their wedding ceremony. This may involve, for example, the couple choosing particular music, scriptures, or religious and other texts to be used during a marriage ceremony.
- 6.21. Accommodating the religious or other beliefs of same-sex couples is possible because a marriage in a place of worship may be solemnized 'according to such form and ceremony as the persons to be married see fit to adopt'.<sup>31</sup>
- 6.22. The scope of the accommodation that places of worship extend to couples in this respect is generally wide, but is subject to some variation from place to place.
- 6.23. Notably, only 10% of places of worship indicated that they did not allow couples to use scriptures or religious texts in a wedding ceremony that are drawn from a religion or belief different to the one associated with the place of worship.
- 6.24. However, approximately 30% of places of worship that permit couples to use scriptures or religious texts in their wedding ceremony that are drawn from a religion or belief different to the place of worship do so with some restrictions. Such restrictions are imposed for a variety of reasons.
- 6.25. Some Unitarian churches stated, for example, that a marriage ceremony must 'fit broadly within a Unitarian ethos' or 'fall within the general ethos

<sup>31</sup> Marriage Act 1949, s 26A(1).

of Unitarianism'. One Unitarian church explained such an approach as follows:

*There are two restrictions. The first is that the service be respectful of different faith traditions. We will not accept words that denigrate other belief systems. Secondly, the service needs to contain a religious or spiritual dimension. We worship in mutual respect of all beliefs and faiths including faith in science. We ask that all who worship are respectful of the beliefs of others. Hence we are inclusive and universalist in our faith practices. A wedding service in our church must contain a spiritual dimension (i.e. not exclusively secular) but it need not overtly reference God. For instance, a Buddhist inspired service is welcome.*

Such restrictions may, in practice, impose few religious constraints on couples who are not required to marry according to any prescribed religious ceremony but, rather, adopt a ceremony that is 'respectful' and has a 'religious or spiritual dimension'. In this context, couples of 'all beliefs and faiths' have wide choice in determining a marriage service. As one Unitarian church stated, the key principle is that a marriage ceremony must be 'dignified', conducted with 'integrity', and not contain anything that is 'naughty/daft/inappropriate'.

- 6.26. In contrast, some Spiritualist churches reported that couples are not permitted to use Christian or other religious materials in a marriage ceremony. For example, one Spiritualist church indicated that couples are permitted to use scriptures or religious texts provided that 'the text used is not overtly Christian or any other belief and meets with the approval of the minister taking the service'.
- 6.27. Other Spiritualist churches, however, appeared to be somewhat more accommodating. One Spiritualist church stated that, although there was a presumption 'that the couple would require a marriage ceremony based on Spiritualism', the church would be 'sympathetic' if a couple had 'any special requests'. Another Spiritualist church stated that a marriage ceremony would be restricted only if any material used by a couple went 'against our philosophy'.
- 6.28. In practice, the content of any marriage ceremony in a place of worship is, as one minister explained, often negotiated between the parties to be married and the person conducting the ceremony:

*We always work to people's needs as long as they don't conflict with either of our denomination's statements of faith or declaration of principle.*

- 6.29. Negotiation between couples and those in spiritual roles will generally take place in preparatory or preliminary meetings in the place of worship prior to a couple getting married. Such meetings are required by approximately half of the places of worship comprising the sample, and made optional by approximately a quarter.
- 6.30. Overall, most places of worship show a willingness to at least partially accommodate the faith-based preferences of same-sex couples in relation to a marriage ceremony. Such accommodation is important given that same-sex couples have such limited access to places of worship in which to marry.

## 7. The effects of registering a place of worship for same-sex marriage

- 7.1. In this section we consider a range of consequences that can result from registering a place of worship for same-sex marriage. We consider how opting in to same-sex marriage may affect the relationship between a place of worship and a number of different stakeholders, including the broader religious group to which it may be affiliated. We also explore the positive and negative effects that registering a place of worship for same-sex marriage may have on a congregation.

### Relationship between a place of worship and its religious group

- 7.2. A small number of places of worship reported that opting in to same-sex marriage had created tensions between it and the broader religious group of which it is a part. This was not the case with, for example, Unitarian churches because the Unitarian General Assembly is supportive of same-sex marriage. However, by opting in to same-sex marriage, some places of worship find themselves taking a different position to the one adopted by their broader religious group. For example, one Baptist church stated:

*We have found ourselves at odds with the Baptist Union of Great Britain, who have 'strongly urged' us (and other churches) not to register/conduct [same-sex marriage]. That said, we have good friends in the BUGB leadership structures, who have negotiated the uneasy national compromise that allows us to be registered, and for the ministers to conduct services without facing discipline.*

Clearly, for some places of worship the decision to opt in to same-sex marriage puts them 'at odds' with those in their broader religious organization and this requires negotiation. Such a situation will only exist



if a place of worship that belongs to a wider religious group has autonomous authority to opt in to same-sex marriage.<sup>32</sup>

### Relationship between a place of worship and other religious organizations

- 7.3. Some places of worship reported that their decision to opt in to same-sex marriage had produced negative consequences in respect of their relationship with other religious organizations in their local area. For example, one minister stated:

*There are some local churches and leaders who won't work with us. I've been in post for a year and this is slowly starting to change but when I first came I was 'that minister from that church'.*

Similarly, a Unitarian church stated:

*Amongst the more conservative Christian communities in [the local area] there was certainly some serious concern publically expressed.*

Places of worship that opt in to same-sex marriage may therefore experience opposition and antagonism from other religious groups in their local areas.

- 7.4. By contrast, one Unitarian church reported that opting in to same-sex marriage had enhanced its relationship with other religious organizations by 'creating positive links with other liberal LGBT\* affirmative faith groups'.

### Relationship between a place of worship and people in the community

- 7.5. A small number of places of worship reported that opting in to same-sex marriage produced some negative consequences in respect of their relationship with the wider community in which they are situated. In this respect, places of worship reported experiencing some low levels of criticism or hostility from people in the community. Such criticism or hostility was expressed in different forms.
- 7.6. One Unitarian church stated that their decision to opt in to same-sex marriage had produced 'some experience of hostility' and was a

<sup>32</sup> This requires those in a place of worship to be the 'relevant governing authority' able to give 'written consent to marriages of same sex couples' in their building (Marriage Act 1949, s 26A(3)). For a discussion of the exercise of such authority in non-hierarchical and non-synodical religious organizations, see: Frank Cranmer (2016) 'Quakers and the Campaign for Same-Sex Marriage', in Russell Sandberg (ed) *Religion and Legal Pluralism*, Abingdon: Routledge, 67-88.

'suspected cause of vandalism' in their place of worship. Another Unitarian church indicated that they had experienced 'minor' levels of criticism that had taken the form of 'comments on Twitter expressing disappointment' but stated that these were 'not hostile or aggressive'. Another place of worship stated that they had experienced 'negative comments on newspaper websites following news stories on our first marriage'.

- 7.7. On the other hand, some places of worship emphasized that opting in to same-sex marriage had enhanced its relationship with the wider community. As one Spiritualist church stated:

*The Church is inclusive and we do not exclude same sex couples and really represents the community it serves.*

- 7.8. Being representative of a community, by opting in to same-sex marriage, was seen by some places of worship to have a beneficial impact within the wider community. For example, one Unitarian church stated:

*It means we can 'walk our talk' and provide a totally welcoming and inclusive space for people of all backgrounds, beliefs, sexual orientation, race and gender. It has been good to show our wider community that this can happen in a peaceful way.*

Another Unitarian church stated that opting in to marriage had 'reinforced opposition to misogyny, Islamophobia, anti-semitism and racism in the region'.

- 7.9. For these places of worship, the commitment to same-sex marriage is closely tied to a broader commitment to positively changing the communities in which they are situated. As one place of worship stated:

*We must continue to fight injustice and inequality and take a lead in these things to help our communities know life and peace.*

### **Negative impact within congregations**

- 7.10. The decision to opt in to same-sex marriage can produce some negative consequences within the congregation of a place of worship. For example, the issue of same-sex marriage may produce tensions among members of a congregation. Some members of a congregation may decide to leave a place of worship because they do not agree with same-sex marriage being solemnized there.

- 7.11. One Baptist church reported that opting in to same-sex marriage had produced some tensions within its congregation:

*The leadership believed that the congregation were 'strongly in favour', and at the church meeting vote this was borne out by a strong percentage in favour of registering. However, we were surprised by an ethnic split which then developed, with a number of people leaving (Filipino, Bolivian, Burmese, Japanese) following the decision. These people had been happy to be part of a strongly gay-affirming church, but decided that 'redefining marriage' (as they saw it) was a 'step too far'.*

As a consequence of this 'step too far', a number of members of the congregation left this Baptist church and went to worship elsewhere.

Another place of worship said:

*This was before my time but I understand a few people didn't feel they could continue to worship at a church which married everyone. They left the church. There doesn't seem to be any ill feeling about this rather a releasing them to somewhere more suited to their theology.*

Similarly, a Unitarian church stated that their decision to opt in to same-sex marriage resulted in two members leaving the church and another regular attendee stopping coming to services. However, this church reported that, whilst this outcome was regrettable, the congregation was 'happy that we made the right decision as a church on the issue of same-sex marriage'.

- 7.12. Although the decision to opt in to same-sex marriage can result in some members of a congregation who are against same-sex marriage leaving or becoming estranged from a place of worship, this is not always the case. For example, one Unitarian church stated that whilst some of its members 'could not understand or develop reasoning' in relation to same-sex marriage and voted against its introduction in the church, those people 'remained worshipping at our chapel' after it opted in to same-sex marriage. In another Unitarian church 'a couple of people were not sure about the appropriateness of [same-sex marriage] but were persuaded by the view of others', and in a Baptist church, although some members 'found it difficult to accept the decision' to solemnize same-sex marriage, this 'has not caused friction within the church'. Clearly, it is not always the case that those who are not in favour of same-sex marriage leave a place of worship if it opts in to marry same-sex couples.

- 7.13. One Unitarian church stated that the negative impacts on a congregation created by the decision to solemnize same-sex marriage were resolved over time:

*I think there has been an open discussion between for and against parties. There has been opportunity to reflect that the predicted outcomes from some people were inaccurate – i.e. since becoming licensed for same sex marriages we have not been overrun with bookings, we have not been renamed ‘the gay church’.*

This shows that the concerns that some members of a congregation may have about same-sex marriage can be unfounded and, therefore, be allayed over time.

### **Positive impact within congregations**

- 7.14. Many places of worship reported that registering for same-sex marriage has produced positive benefits within its congregation. Such positive benefits were expressed in a number of ways.
- 7.15. Two places of worship reported that the decision to opt in to same-sex marriage had been beneficial for LGBT members of the congregations. For example, one place of worship reported:

*It’s given a safe space for those who identify as LGBT or have family who identify as LGBT to be more open about this.*

Similarly, a Unitarian church stated that ‘some members have “come out”’ as a result of the decision to solemnize same-sex marriage.

- 7.16. Some places of worship reported that the decision to opt in to same-sex marriage has produced a positive impact generally within a congregation. For example, one Unitarian church stated:

*It is a source of pride among us, and has helped motivate us to greater challenges in social action work together, such as support of refugees.*

- 7.17. A number of places of worship reported that opting in to same-sex marriage has produced the positive benefit of encouraging new people to join their congregations. For example, one Unitarian church stated, ‘we have had several new members as a result of our stance’, and another Unitarian church stated that, ‘several new members reflecting our liberal views and ethics have joined the congregation and Chapel Committee’.

- 7.18. A number of places of worship stated that the new congregation members that they are attracting as a result of opting in to same-sex marriage are in a particular age range. For example, one place of worship stated that they now 'often have people (mainly under 40 year olds) visit who are looking for a positive experience of an inclusive church', and another place of worship stated 'our open and welcoming inclusivity has made us more attractive, especially to younger people'.
- 7.19. Several places of worship also reported that opting in to same-sex marriage had attracted new LGBT visitors or congregation members. For example, one Unitarian church stated that 'there has been an increase in attendance at services by gay and trans people', and another Unitarian church stated the decision 'may have encouraged some LGBT people to join the congregation'.
- 7.20. In addition, one Unitarian church stated that an LGBT member returned to the church 'after a few years of not attending ... partly due to the positive message of welcome given by our support and offering of same-sex marriage ceremonies'.

### Advertising and marketing a place of worship

- 7.21. It is clear that the decision to opt in to same-sex marriage can function as an 'advertisement' for a place of worship and several respondents were explicit about the benefits of this. For example, one Unitarian church saw same-sex marriage as the basis for 'being able to advertise ourselves as fully inclusive and embracing', and another Unitarian church stated:

*Same-sex marriage is a natural outworking of our Unitarian commitment to equality. This public position makes our commitment to liberal values more overtly comprehensible to members of the public.*

In this sense, the commitment to same-sex marriage can provide a vehicle for articulating the broader values of the place of worship to a wide audience.

- 7.22. Opting in to same-sex marriage can therefore be a means of positively 'marketing' a place of worship. As one Unitarian church reported, the commitment to same-sex marriage 'gives us something distinctive to promote'. Or, as one Baptist church stated:

*As a city centre church, this has positioned us more clearly in the 'market' – meaning those who want such a church know clearly who we are, and will travel to come to us (very few live nearby).*

- 7.23. Being known for solemnizing same-sex marriage may therefore be a positive 'brand' for a place of worship and not, as some members of some congregations experience it, a negative attribute. As one Unitarian church stated:

*We have a local reputation as 'the gay church', which we're all comfortable with even if we are not gay ourselves.*

### **Impact on different-sex marriage rates**

- 7.24. One potential way of evaluating the positive and negative impacts of registering a place of worship for same-sex marriage is to consider whether this has an impact on the rates of different-sex marriage in the place of worship. In other words, does opting in to same-sex marriage influence whether different-sex couples are prepared to marry in a place of worship.
- 7.25. Significantly, no place of worship reported that, during the time it has been registered for solemnizing same-sex marriage, the number of different-sex marriages solemnized had decreased.
- 7.26. Nearly two thirds of places of worship indicated that, during the time that the place of worship has been registered for same-sex marriage, the number of different-sex marriages solemnized remained stable. Furthermore, over 10% of places of worship reported that the number of different-sex marriages increased during the same period.
- 7.27. The data therefore provide no evidence that registering a place of worship for same-sex marriage has had a detrimental effect on the rates of different-sex marriage solemnized in that place. Moreover, in some cases rates of different-sex marriage in places of worship may have grown as a result of registering for same-sex marriage. In this respect, one place of worship reported:

*Different-sex marriage couples seem to prefer that we also do same-sex marriages, they like this about getting married in the chapel and some specifically choose to get married with us because we are licensed to do same-sex marriages.*

## **8. Religious protections**

- 8.1. In this section we consider the extensive suite of provisions contained in the Marriage (Same Sex Couples) Act 2013 that are designed to ensure that individuals and religious organizations that do not wish to conduct or participate in a religious marriage ceremony, on the grounds that it is a

marriage of a same-sex couple, cannot be compelled to do so or held liable for not doing so. These provisions, insofar as they are relevant to the places of worship comprising the sample, are as follows.

- 8.1.1. No person or religious organization can be compelled to opt in to, or refrain from opting-out of, solemnizing marriage of same-sex couples.<sup>33</sup>
- 8.1.2. No person or religious organization can be compelled to consent to a religious marriage ceremony of a same-sex couple being conducted where the reason is that the marriage concerns a same-sex couple.<sup>34</sup>
- 8.1.3. No person can be compelled to conduct, be present at, carry out, or otherwise participate in a religious marriage ceremony of a same-sex couple where the reason is that the marriage concerns a same-sex couple.<sup>35</sup>
- 8.1.4. No person can be held personally liable under anti-discrimination law if he or she does not conduct a same-sex marriage, is not present at, does not carry out, or does not otherwise participate in a same-sex marriage, or does not consent to a same-sex marriage being conducted, for the reason that the marriage is the marriage of a same-sex couple.<sup>36</sup>
- 8.1.5. No person contravenes anti-discrimination law relating to the provision of services because he or she does not conduct a same-sex marriage, is not present at, does not carry out, or does not otherwise participate in a same-sex marriage, or does not consent to a same-sex marriage being conducted, for the reason that the marriage is the marriage of a same-sex couple. This also extends to religious organizations.<sup>37</sup>
- 8.2. These provisions are designed to 'protect' religious organizations, and individuals within them, from same-sex couples or others seeking to compel them to carry out same-sex religious marriage ceremonies. At the time these provisions were created they were argued to provide individuals and religious organizations with a means by which to 'shield' them from litigation that would, if successful, force them to act against their conscience or religious faith.<sup>38</sup>

<sup>33</sup> Marriage (Same Sex Couples) Act 2013, s 2(1).

<sup>34</sup> Marriage (Same Sex Couples) Act 2013, s 2(2).

<sup>35</sup> *ibid.*

<sup>36</sup> Equality Act 2010, s 110(5A).

<sup>37</sup> Equality Act 2010, Sch 3, Part 6A, para 25A.

<sup>38</sup> For a broader discussion, see: Paul Johnson and Robert M. Vanderbeck (2014) *Law, Religion and Homosexuality*, Abingdon: Routledge.



- 8.3. In order to assess the importance or utility of these religious protections, places of worship were asked whether anyone in a place of worship had refused to participate in the marriage of a same-sex couple. This was asked specifically to assess the protections afforded to individuals who, although a place of worship has opted in to same-sex marriage, do not wish to participate in the solemnization of such marriages.
- 8.4. Significantly, 90% of places of worship reported that no person connected to the place of worship has refused to participate in a same-sex marriage ceremony. Consequently, individual-level religious protections have been of no direct relevance to any person in nearly all of the places of worship.
- 8.5. In the small number of cases in which a person connected to the place of worship has refused to participate in a same-sex marriage ceremony, the reasons for such a refusal are diverse. We outline these below, in order to assess the relevance of the religious protections.
- 8.6. Two places of worship reported that a minister had refused to participate in a same-sex marriage ceremony. In the first case, which concerns a Baptist church, the person refusing to participate is a 'former minister'. In the second case, which concerns a Unitarian church, the situation is as follows:

*We ... have a minister [from a different denomination] who conducts marriages but his religion does not yet accept same-sex marriage. He personally is looking forward to the day [that his] church allows same-sex marriage.*

In both cases, the refusal of a minister to take part in a same-sex marriage ceremony, even though the place of worship has opted in to same-sex marriage, is protected by law. Interestingly, however, in the case of the Unitarian church, the minister's refusal to conduct a same-sex marriage ceremony is not based on a personal wish not to solemnize such marriage. Arguably, in this case, the minister does not require 'protection' but, rather, to be released from constraints he feels are imposed on him by his denomination.

- 8.7. One Baptist church reported that the authorized person for marriage had refused to participate in a same-sex marriage ceremony:

*Our authorized person for the solemnization of marriages has refused to act for a same-sex marriage, so we ask the same-sex couple to book a registrar to attend and solemnize their wedding. In fact, we are now moving towards this practice for heterosexual weddings as well.*

The refusal of an authorized person to take part in a same-sex marriage ceremony, even though the place of worship has opted in to same-sex marriage, is protected by law. A registrar, if booked to attend in place of the authorized person, cannot refuse to participate in a marriage for the reason it is a marriage of a same-sex couple.

- 8.8. One Unitarian church reported that a 'musical assistant/chorister' has refused to participate in a same-sex marriage ceremony. This refusal is protected by law if the person would be involved in any ceremony forming part of, or connected with, the solemnization of a same-sex marriage, regardless of whether he or she is a volunteer or employed by the place of worship.
- 8.9. Another Unitarian church indicated that 'three members of the congregation say they would not attend' a same-sex marriage ceremony. This would not require legal protection unless a place of worship sought to adopt the practice of requiring members of a congregation to be present at or participate in marriage ceremonies. Such a practice would raise broader issues relating to compulsion.
- 8.10. It is clear that the issue of individual-level religious protections currently has little overall practical significance because in the vast majority of places of worship no one has refused to participate in a same-sex marriage. Moreover, in those very small numbers of places of worship in which an individual has refused to participate in a same-sex marriage ceremony, we have no evidence that the place of worship, or any same-sex couple, has sought to 'force' any individual to participate in a marriage ceremony. We cannot say for certain whether, were it not for the existence of the religious protections, these places of worship would seek to compel certain individuals to participate in same-sex marriage. However, we can conclude that this is not an issue with any significant relevance to most places of worship.

## **9. Summary of conclusions**

- 9.1. In this section we summarize the main conclusions from the research.
- 9.2. The number of places of worship that are registered for same-sex marriage is very small compared to those that are registered for different-sex marriage. It is likely that unless a wider range of religious groups decide to permit same-sex marriage, places of worship that are registered to solemnize same-sex marriage will continue to constitute but a tiny proportion of all places of worship registered to solemnize marriage.

- 9.3. Over half of the religious organizations that have solemnized a same-sex marriage in their place of worship have done so on only one occasion. The majority of places of worship carry out small numbers of same-sex marriage ceremonies.
- 9.4. The number of marriages of male same-sex couples and the number of marriages of female same-sex couples in places of worship are almost equal.
- 9.5. There is no straightforward relationship between the number of different-sex marriages solemnized in a place of worship and the numbers of same-sex marriages solemnized.
- 9.6. Only a very small number of same-sex couples choose to convert a civil partnership to a marriage in a place of worship.
- 9.7. In over half of places of worship the proposal to opt in to same-sex marriage was made by a person who occupies either a spiritual role, or is a proprietor or trustee.
- 9.8. There is a high degree of congregational support for same-sex marriage in most places of worship that have registered for same-sex marriage.
- 9.9. The majority of same-sex marriages solemnized in places of worship involve one or both of a couple who live in the same registration district as the place of worship.
- 9.10. Three quarters of places of worship in which same-sex marriage has been solemnized have provided a religious marriage ceremony to a same-sex couple who have not previously worshiped there.
- 9.11. Same-sex couples who adhere to certain religious faiths that do not permit same-sex marriage tend not to utilize the places of worship of other faiths in order to have a religious marriage ceremony.
- 9.12. Most places of worship will accommodate the faith-based preferences of same-sex couples in relation to the content of a marriage ceremony.
- 9.13. Registering a place of worship for same-sex marriage can create tensions between it and the broader religious group of which it is a part, if that group does not support same-sex marriage.
- 9.14. Places of worship that register for same-sex marriage may experience opposition and antagonism from other religious groups in their local areas.

- 9.15. Some places of worship have experienced negative reactions from their local community as a result of their decision to register for same-sex marriage. Other places of worship regard their decision to have enhanced their relationship with the wider community.
- 9.16. Registering a place of worship can produce conflict within a congregation. Some members of a congregation may decide to leave a place of worship because they do not agree with same-sex marriage being solemnized there. Some places of worship have been able to successfully resolve conflict in order that those who are not in favour of same-sex marriage remain members of a congregation.
- 9.17. Many places of worship report that registering for same-sex marriage has produced positive benefits within a congregation. These include strengthening the solidarity of existing members, supporting existing LGBT members, and attracting new members.
- 9.18. Some places of worship regard their commitment to same-sex marriage as a positive way of advertising and marketing their faith and practice.
- 9.19. Registering a place of worship for same-sex marriage has no detrimental impact on the rates of different-sex marriage solemnized in that place.
- 9.20. In 90% of places of worship no person has refused to participate in a same-sex marriage ceremony.
- 9.21. In the small number of cases in which a person connected to the place of worship has refused to participate in a same-sex marriage ceremony, the reasons for such a refusal are diverse and, on the whole, covered by legal religious protections.
- 9.22. The issue of individual-level legal religious protections has not been relevant to the vast majority of places of worship.

© The Authors, 2017

*This report is dedicated to the memory of  
Mr Anthony Norcliffe GRSM, ARCO, LRAM, ARMCM*

Set in Frutiger Next  
Cover image: "Mountsett Light"

ISBN: 978-0-901931-20-7

