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**The Experience of Religious Same-Sex Marriage in England and Wales:  
Understanding the Opportunities and Limits Created by the Marriage (Same  
Sex Couples) Act 2013**

Silvia Falchetta\* Paul Johnson\*\* Robert M. Vanderbeck\*\*\*

**Abstract:** Following the enactment of the Marriage (Same Sex Couples) Act 2013, same-sex couples in England and Wales have the same opportunities as different-sex couples to marry by way of a civil ceremony. However, same-sex couples who wish to marry by way of a religious ceremony are at a significant disadvantage to different-sex couples because only a small number of religious organisations, and a tiny number of places of worship, permit same-sex marriage. Drawing on semi-structured interviews, this article provides the first analysis of the experiences of same-sex couples who have married in a certified place of worship that has been registered for same-sex marriage. We argue that these experiences are shaped in complex ways within an environment in which same-sex religious marriage is lawful but nevertheless difficult to access. The analysis examines the experiences of couples at different stages of the marriage process, including the decision to have a religious marriage, seeking a place of worship, and negotiating the form of the ceremony. We show how many couples, unable to marry within the religious traditions with which they are most familiar, are effectively ‘funnelled’ towards particular traditions about which they have little prior knowledge. The article offers a unique insight into how English marriage law sustains faith-based discrimination against same-sex couples, and how some couples are able to overcome this.

**Keywords**

Discrimination, Equality, LGBT, Marriage, Sexual orientation.

## Introduction

The Marriage (Same Sex Couples) Act 2013 (MSSCA 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 according to religious rites or usages, but only when a religious organization has chosen to ‘opt in’ to solemnizing such marriages. Any religious organization may now opt in to solemnizing the marriage of same-sex couples, except 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 in a certified place of worship that has been appropriately registered,<sup>1</sup> or in another place according to the usages of the Jewish religion or the Religious Society of Friends (Quakers).

This article provides the first analysis of the experiences of same-sex couples who have married in England and Wales in a certified place of worship which has been registered for the marriage of same-sex couples.<sup>2</sup> A significant body of previous research has

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<sup>1</sup> Or in places where a person is detained, house-bound, or is seriously ill and is not expected to recover.

<sup>2</sup> Our focus in this article is on same-sex marriages that have been solemnized in a registered building on the authority of certificates of a superintendent registrar. This means a building that has been certified as a place of religious worship under the Places of Worship Registration Act 1855 and registered for the solemnization of same-sex marriages therein under the Marriage Act 1949. Hereinafter, for convenience, we refer to a ‘registered building’ as a ‘place of worship’. We do not consider the experiences of same-sex couples who have married in accordance with the usages of the Jewish religion or the Religious Society of Friends (Quakers).

examined the experiences of same-sex couples who engage in religious partnership rituals in contexts that lack access to equal marriage rights or other forms of legal relationship recognition, with an emphasis on explaining why couples have chosen to engage in commitment ceremonies and rituals that lacked legal sanction or force.<sup>3</sup> These studies have demonstrated the significance that these ceremonies held for same-sex couples and how, in some cases, the involvement of ‘religious institutions and traditions’ has offered couples a ‘repertoire of symbolic expression and contestation’ in the face of social and legal exclusion from relationship recognition.<sup>4</sup> In this article, in contrast to previous research, we focus on a context in which same-sex couples now have choices about both different forms of relationship recognition (civil partnership and marriage) and different ways in which marriages can be solemnized (either by means of a civil ceremony or by religious rites and usages). Drawing on original qualitative data from semi-structured interviews with same-sex couples who have married in places of worship, we explore both the opportunities and limitations that have been created by the MSSCA 2013. Crucially, we demonstrate how the opportunities created for same-sex couples to have a religious marriage are characterized by important inequalities and constraints created by the fact that same-sex couples are prohibited from marrying in the overwhelming majority of places of worship in England and Wales. As we argue, the experiences of same-sex couples who seek to marry by way of a religious ceremony are shaped in complex and sometimes paradoxical ways within an environment in which same-sex religious marriage is lawful but nevertheless difficult to access as a result of a variety of social and legal obstacles.

Of the 22,500 places of worship in England and Wales that are currently registered for the solemnization of different-sex marriage, only 267 places of worship (approximately 1.2%) are currently also registered for the solemnization of same-sex marriage.<sup>5</sup> Most

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Nor do we consider the experiences of same-sex couples who have married according to religious rites or usages in places where a person is detained, house-bound, or is seriously ill and is not expected to recover.

<sup>3</sup> See, for instance: K. E. Hull, ‘The Cultural Power of Law and the Cultural Enactment of Legality: The Case of Same-Sex Marriage’ (2003) 28 (3) *Law & Social Inquiry* 629-657; E. Lewin, ‘Location, Location, Location: Same-Sex Marriage as a Moving Target’ (2008) 11 (6) *Sexualities* 777-781.

<sup>4</sup> D. J. Bos, ‘“Equal Rites Before the Law”: Religious Celebrations of Same-Sex Relationships in the Netherlands, 1960s–1990s’ (2017) 23 (3) *Theology & Sexuality* 188.

<sup>5</sup> HM Passport Office, ‘Places of Worship Registered for Marriage’ (list last updated 14 September 2020).

of these places of worship are part of Christian religious traditions that are considered theologically liberal, with Unitarian churches forming the largest proportion (although there are also Spiritualist and other non-Christian places of worship that have chosen to opt in).<sup>6</sup> The prohibition on marriage of same-sex couples in all but a tiny number of places of worship creates a significant difference in opportunity between same-sex and different-sex couples.<sup>7</sup> This difference in opportunity is reflected in the fact that, for the last year for which data are available, marriage by way of a religious ceremony accounted for 23% of marriages between different-sex couples but only 0.6% of marriages between same-sex couples.<sup>8</sup> For the last four years for which data are available only 23,<sup>9</sup> 44,<sup>10</sup> 61,<sup>11</sup> and 43<sup>12</sup> same-sex couples married each year by way of a religious ceremony (171 same-sex couples in total, compared to 244,953 different-sex couples who married by way of a religious ceremony during that period<sup>13</sup>).

Although official data on levels of religious participation by people of different sexual orientations is scarce, the reason for the scale of the disparity in rates of religious marriage between same-sex couples and different-sex couples is almost certainly not primarily attributable to differential levels of religious belief or participation based on sexual orientation. It is more likely that the tiny number of religious marriages is the result of the lack of opportunity for same-sex couples to marry in places of worship that, for reasons we explore below, those couples feel are suitable. Therefore, while this article focuses on the experiences of same-sex couples who have chosen to marry in a place of worship, it also provides an insight into why the current legal framework may

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<sup>6</sup> Places of worship that currently opt in to solemnizing same-sex marriages are affiliated to a range of religious groups, including Baptists, Buddhists, Christian Evangelicals, Congregationalists, Lutherans, Protestant Dissenters, the Reformed Church of the Netherlands, and the United Reformed Church. See: HM Passport Office (n 5); P. Johnson, R. M. Vanderbeck and S. 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* (University of York and University of Leeds, 2017) para 3.5.

<sup>7</sup> Same-sex couples are also completely excluded from the almost 16,000 churches of the Church of England and the approximately 1,300 churches of the Church in Wales in which different-sex marriage may be solemnized. See: Church of England, *Statistics for Mission 2019* (London: Research and Statistics, 2020).

<sup>8</sup> Office for National Statistics, *Marriages in England and Wales: 2017* (14 April 2020).

<sup>9</sup> Office for National Statistics, *Marriages in England and Wales: 2014* (14 March 2017).

<sup>10</sup> Office for National Statistics, *Marriages in England and Wales: 2015* (28 February 2018).

<sup>11</sup> Office for National Statistics, *Marriages in England and Wales: 2016* (28 March 2019).

<sup>12</sup> Office for National Statistics (n 8).

<sup>13</sup> Office for National Statistics, *Marriage Workbook 2017*.

not ‘work’ for many other same-sex couples who wish to marry by way of a religious ceremony.

The analysis in this article contributes to broader debates about the relevance of religion for same-sex couples in contemporary societies,<sup>14</sup> and demonstrates how they seek to overcome forms of faith-based discrimination and exclusion. Although the focus of this article is on England and Wales, the socio-legal issues we consider are relevant to other jurisdictions in which same-sex marriage is legal but not ‘equal’. There are a number of jurisdictions – for example, in Europe: Denmark, Finland, Ireland, Norway, Spain and Sweden – in which religious marriage is recognized by the state as being equivalent to civil marriage, and in which same-sex marriage has been legalized, but in which, as in England and Wales, same-sex couples do not enjoy the same access as different-sex couples to religious marriage ceremonies.<sup>15</sup> Our analysis is therefore relevant to broader international debates about the extent to which religious organizations should be able to solemnize marriage but restrict this to different-sex couples.<sup>16</sup>

The article begins with an overview of the legal framework governing religious marriages of same-sex couples in England and Wales, followed by a discussion of the research design and methodology. We then present an analysis of the interview data collected from same-sex couples which examines their experiences at different stages of the marriage process, including the decision to have a religious marriage, seeking a

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<sup>14</sup> See, for instance: E. Lewin, *Recognizing Ourselves: Ceremonies of Lesbian and Gay Commitment* (New York: Columbia University Press, 1998); D. C. Haldeman, ‘Ceremonies and Religion in Same-Sex Marriage’ in R. P. Cabaj and D. W. Purcell (eds.) *On the Road to Same-Sex Marriage: A Supportive Guide to Psychological, Political, and Legal Issues* (San Francisco: Jossey-Bass, 1998) 141-164; P. D. Young, ‘Same-sex Relationships, Religious Traditions, Marriage and the Law’ (2000) 29(4) *Studies in Religion* 465-480; A. K. T. Yip, ‘Same-sex Marriage: Contrasting Perspectives among Lesbian, Gay and Bisexual Christians’ (2004) 14 (1) *Feminism & Psychology* 173-180; C. Smart, ‘“Can I Be Bridesmaid?” Combining the Personal and Political in Same-Sex Weddings’ (2008) 11 (6) *Sexualities* 761-776.

<sup>15</sup> For an overview of key legal approaches to marriages of same-sex couples in different jurisdictions, see: F. Hamilton and G. Noto La Diega (eds.) *Same-Sex Relationships, Law and Social Change* (Abingdon: Routledge, 2020). For a discussion of religious exemptions from the solemnisation of same-sex marriage, in the United Kingdom and beyond, see: D. NeJaime, ‘Marriage Inequality: Same-Sex Relationships, Religious Exemptions, and the Production of Sexual Orientation Discrimination’ (2012) 100 (5) *California Law Review* 1169-1238; P. Johnson and R. M. Vanderbeck, *Law, Religion and Homosexuality* (Abingdon: Routledge, 2014); P. Johnson and R. M. Vanderbeck, ‘Sacred Spaces, Sacred Words: Religion and Same-Sex Marriage in England and Wales’ (2017) 44 (2) *Journal of Law and Society* 228-254.

<sup>16</sup> See, for example, Johnson and Vanderbeck, ‘Sacred Spaces, Sacred Words’ (n 15).

place of worship in which to marry, and negotiating the form of the religious ceremony. In tracing these experiences at different stages of the marriage process, we show how many couples become ‘funnelled’ towards particular religious faiths with which they have had little prior familiarity and this, in turn, requires them to engage with and navigate different religious traditions. We also analyse respondents’ retrospective reflections on the personal and social significance of their choice to have a religious marriage for themselves, their families, and their wider communities.

### **Same-sex Marriage, Religion and English Law**

In this section, we outline the legal framework governing the solemnization of marriage of same-sex couples according to religious rites or usages in England and Wales.<sup>17</sup> Understanding this legal context is important, because, as we subsequently demonstrate, it significantly shapes the opportunities available to, and experiences of, same-sex couples who choose to marry by way of a religious ceremony.

When the UK government announced in 2012 that it intended to make ‘civil marriage’ lawful for same-sex couples in England and Wales, it initially stated that ‘marriages solemnized through a religious ceremony and on religious premises would still only be legally possible between a man and a woman’.<sup>18</sup> It did so in response to the concerns of religious organizations who opposed ‘the redefinition of religious marriage’ and to reassure them that there were ‘no proposals to change the way that religious marriages are solemnized’.<sup>19</sup> After public consultation, however, the government changed its position, noting that ‘there is strength in the argument that, once marriage is made

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<sup>17</sup> Hereinafter, for convenience, referred to as ‘religious marriage’ or marriage by ‘religious ceremony’.

<sup>18</sup> Government Equalities Office, *Equal Civil Marriage: A Consultation* (London: Home Office, 2012) para 1.9(ii). The Church of England, when opposing the proposal to introduce same-sex marriage, responded by disputing the distinction between ‘civil’ and ‘religious’ marriage, arguing that in English law ‘there is one social institution called marriage, which can be entered into through either a religious or a civil ceremony. To suggest that this involves two kinds of marriage is to make the category error of mistaking the ceremony for the institution itself’ (Church of England, ‘A Response to the Government Equalities Office Consultation – “Equal Civil Marriage” – from the Church of England’ (June 2012) paras 17-18).

<sup>19</sup> Government Equalities Office (n 18) para 1.7.

available to same-sex couples, religious organisations should be permitted to conduct such ceremonies if they wish to'.<sup>20</sup> The change was motivated in large part by the interventions of a small number of organized religions that argued that it would contravene religious freedom to prohibit the solemnization of same-sex marriages on religious premises and according to religious rites.<sup>21</sup> However, in light of the strong opposition by the Church of England, Catholic Church, Muslim Council of Britain and other mainstream religious organizations to same-sex marriage, the government stated that 'it will remain unlawful for a religious organisation to marry same-sex couples unless it expressly consents and opts in according to a formal process put in place by legislation'.<sup>22</sup> As a result, the Marriage (Same Sex Couples) Bill introduced in Parliament contained provisions – referred to by the government as the 'quadruple lock'<sup>23</sup> – that were designed to ostensibly 'protect' religious organizations that did not want to solemnize the marriages of same-sex couples. A significant aspect of the 'quadruple lock' is the heightened 'protection' it affords to the Church of England and Church in Wales by making them unable to opt-in to solemnising same-sex marriage in the same way as other religious organizations.<sup>24</sup>

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<sup>20</sup> HM Government, *Equal Marriage: The Government's Response* (London: Home Office, 2012) para 4.18.

<sup>21</sup> Groups such as Christians for Equal Marriage UK advocated strongly for the right to marry in churches and other places of worship. See written evidence on the Marriage (Same Sex Couples) Bill submitted to the House of Commons Public Bill Committee (PBC (Bill 126) 2012-2013).

<sup>22</sup> HM Government (n 20) para 4.19.

<sup>23</sup> Maria Miller MP, HC Debate, 5 February 2013, c. 129. For an in-depth discussion of the parliamentary debates on the 'quadruple lock', see: Johnson and Vanderbeck, *Law, Religion and Homosexuality* (n 15) 136-140.

<sup>24</sup> The Marriage (Same Sex Couples) Act 2013 contains a suite of provisions that have the combined effect of excluding the Church of England and Church in Wales from all aspects of the solemnizing of same-sex marriage. This includes a provision to ensure that any duty of a member of the clergy to solemnize different-sex marriages (and any right of different-sex couples to have their marriages solemnized by members of the clergy) is not extended to same-sex couples. Moreover, provision is made to ensure that the extension of same-sex marriage has no effect in relation to Measures and Canons of the Church of England (or subordinate legislation made under them) or other ecclesiastical law. The most remarkable provision is the bespoke exemption of Church of England canon law on marriage (insofar as it defines marriage as being the union of one man with one woman) from the requirements of the Submission of the Clergy Act 1533 (which provides that no Canons shall be contrary to the Royal Prerogative or the customs, laws or statutes of this realm). Allowing a diametric opposition between Canon and statute law on marriage (the former restricting marriage to different-sex couples, the latter recognizing marriage between both different-sex and same-sex couples) is without direct equivalence in the time since the Submission of the Clergy Act 1533 was enacted and, therefore, represents an important legislative (and constitutional) event. For an in-depth discussion of

In making the marriage of same-sex couples lawful in England and Wales, the MSSCA 2013 amended the Marriage Act 1949 (MA 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>25</sup> In respect of marriages solemnized by way of a civil ceremony, the method of authorizing a marriage is the same for different-sex and same-sex couples.<sup>26</sup> However, in respect of marriages solemnized by way of a 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 way of a religious ceremony may only be authorized if the relevant governing authority of a religion has opted in by giving written consent to marriages of same-sex couples.<sup>27</sup>

Any religious organization in England and Wales, other than the Church of England or the Church in Wales, may utilize the opt in provisions now contained in the MA 1949 to solemnize the marriages of same-sex couples. The opt in process for the places of worship that we are concerned with in this article<sup>28</sup> differs from the opt in process for marriage according to the usages of the Jewish religion or the Religious Society of Friends (Quakers) or in other places by way of a religious ceremony.<sup>29</sup> For a place of worship to be registered for the solemnization of same-sex marriage, an application must be made to the superintendent registrar of the registration district in which the building is situated.<sup>30</sup> The 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>31</sup> If the

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these aspects of the law, see: Johnson and Vanderbeck, *Law, Religion and Homosexuality* (n 15) 136-140.

<sup>25</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.

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

<sup>27</sup> Marriage Act 1949, ss 26A-26B.

<sup>28</sup> Marriage Act 1949, s 26A.

<sup>29</sup> Marriage Act 1949, s 26B. See also Marriage (Registrar General’s Licence) Act 1970, s 1.

<sup>30</sup> Marriage Act 1949, s 43A.

<sup>31</sup> Marriage Act 1949, s 43A. Relevant governing authority means ‘the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent’ and relevant religious organisation means the ‘religious organisation for whose religious purposes the building is used’, Marriage Act 1949, s 26A(4). For a discussion

place of worship is not already registered for the solemnization of different-sex marriage,<sup>32</sup> then the application must also be accompanied by a ‘certificate of use for religious worship’, which is a certificate given by at least 20 householders stating that they use the building as their usual place of public religious worship and wish it to be registered for the solemnization of same-sex marriages.<sup>33</sup> A successful application will result in the place of worship being registered by the Registrar General as a place of worship in which the marriage of same-sex couples may be solemnized.

The opt in process created by the MSSCA 2013 was designed to ensure that marriages of same-sex couples cannot be solemnized in places of worship or by way of a religious ceremony without the express consent of the religious organization concerned. The MSSCA 2013 contains a suite of provisions designed to ensure that no person or religious organization can be compelled to opt in to, conduct, participate in or consent to the solemnization of same-sex marriage by way of a religious ceremony,<sup>34</sup> or be held liable in relation to or in contravention of equality law.<sup>35</sup> As such, in respect of the places of worship that we are concerned with in this article, same-sex couples who want to marry by way of a religious ceremony have no legal basis on which to challenge a place of worship or any person connected to it that refuses to marry them on the basis of their sexual orientation.

In respect of those places of worship that have opted in to solemnizing same-sex marriages, a marriage may be solemnized on the authority of superintendent registrar certificates ‘according to such form and ceremony’ as the persons being married ‘see fit to adopt’<sup>36</sup> where appropriate consent is given.<sup>37</sup> As we discuss below, this means that a place of worship may permit a same-sex couple to choose the content of the

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of what constitutes ‘relevant governing authority’, particularly in respect of non-hierarchical and non-synodical religious organizations, see: F. Cranmer, ‘Quakers and the Campaign for Same-Sex Marriage’, in R. Sandberg (ed.) *Religion and Legal Pluralism* (Abingdon: Routledge, 2016) 67-88.

<sup>32</sup> Marriage Act 1949, s 41.

<sup>33</sup> Marriage Act 1949, s 43A.

<sup>34</sup> Marriage (Same Sex Couples) Act 2013, s 2(1)-(2).

<sup>35</sup> Equality Act 2010, s 110(5A); Equality Act 2010, Sch 3, Part 6A, para 25A.

<sup>36</sup> Marriage Act 1949, ss 26A(1) and 44(1).

<sup>37</sup> Insofar as it is relevant to the places of worship considered in this article ‘no marriage shall be solemnized in any registered building without the consent of the minister or of one of the trustees, owners, deacons or managers thereof’ (Marriage Act 1949, s 44(1)).

religious ceremony by which they are married, although each of the persons being married must say prescribed declaratory and contracting words in some part of the ceremony.<sup>38</sup> A marriage in a place of worship must be solemnized in the presence of either a registrar of the registration district in which the place of worship is situated, or an authorized person who has been appropriately certified.<sup>39</sup>

A superintendent registrar can only issue a certificate for the solemnization of a marriage in a registration district in which one of the persons to be married has resided for seven days immediately before giving notice of marriage.<sup>40</sup> An exception to this is that a certificate can be issued for the solemnization of a marriage in a place of worship if it is the usual place of worship of one or both of the persons to be married even if it is not within a registration district in which either of those persons resides.<sup>41</sup> A further exception is that a certificate can be issued for the solemnization of a marriage in a place of worship which is not within a registration district in which either of the persons to be married resides if the person giving the notice of marriage declares that, *inter alia*, the couple wants to be married according to a specified form, rite or ceremony (being a form, rite or ceremony of a body or denomination of persons meeting for religious worship to which one of them professes to belong) and that there is not within the registration district in which one of them resides any place of worship in which marriage is solemnized according to that form, rite or ceremony.<sup>42</sup> These exceptions, as we show below, are vital for same-sex couples who reside in registration districts in England and Wales in which access to places of worship that will solemnize same-sex marriages is severely limited.

## **Research Design and Methodology**

This article focuses on the experiences of same-sex couples who decided to get married in a place of worship. The article utilizes qualitative data from in-depth semi-structured

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<sup>38</sup> Marriage Act 1949, ss 44(3)-44(3A).

<sup>39</sup> Marriage Act 1949, s 44(2).

<sup>40</sup> Marriage Act 1949, s 34.

<sup>41</sup> Marriage Act 1949, s 35(2).

<sup>42</sup> Marriage Act 1949, s 35(1). The person must also declare 'the registration district nearest to the residence of that person in which there is a registered building in which marriage may be so solemnized' (Marriage Act 1949, s 35(1)(c)).

interviews conducted in 2018 and 2019 with 15 research participants (seven same-sex couples and one individual). Each interview was, on average, one hour in duration. The interviews took place in either the respondents' homes or agreed public spaces. Most of the interviews were conducted face-to-face, and two were conducted via videocall and telephone. The respondents were recruited in a number of ways: we contacted places of worship that had taken part in our previous research on religious same-sex marriage<sup>43</sup> and asked representatives to distribute information about the research to same-sex couples who had married in those places of worship; we distributed details of the research to a number of stakeholders involved with religious organizations and asked them to advertise it for us on social media; we invited LGBT-supportive religious groups to circulate information about the research on social media; and we asked same-sex couples who participated in the research to pass on details about it to anyone that might be interested in taking part.

As a result of this recruitment activity, we identified eight same-sex couples willing to take part in the research. Additionally, we were approached by four couples who had married according to the usages of the Religious Society of Friends (Quakers). We were, however, unable to include these participants because the legal framework governing Quaker marriage is significantly different to the places of worship we are concerned with in this research.<sup>44</sup> The recruited sample is balanced in respect of gender and the respondents reside in different parts of England and Wales. All respondents, except one, identified as white. In all but one case we interviewed both partners in each

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<sup>43</sup> Johnson, Vanderbeck and Falcetta (n 6).

<sup>44</sup> Our research focus is on same-sex marriages in registered buildings (see n 2). As we note above, the law allows such marriages to be solemnized according to such form and ceremony as the persons to be married see fit to adopt and, therefore, is not restricted to people who hold or profess a particular religious faith. This is very different to marriage solemnized according to the usages of the Religious Society of Friends (Quakers) which is limited to a person who is a 'member of the Society of Friends or is in profession with or of the persuasion of that Society' or 'is authorised to be married according to the said usages' by 'a registering officer of the Society of Friends' (Marriage Act 1949, s 47(2)(a)-(b)). In practical terms, this means that, unlike marriage in a registered building, Quaker marriage is 'not an alternative form of marriage available to the general public, but is for members and those who, whilst not in formal membership, are in unity with its religious nature and witness' (Religious Society of Friends (Quakers) *Quaker Faith and Practice (Fifth Edition)* 2013 rev 2015, para 16.17). As such, many of the questions that we sought to explore in the research were not relevant to Quaker marriage, such as the willingness of couples to marry in a place of worship not associated with a religious denomination to which they subscribe.

same-sex couple together. On one occasion we interviewed one partner by himself because his partner could not attend the interview.

The format of the qualitative interviews was focused on the respondents' experiences in navigating the legal framework that regulates religious marriages of same-sex couples in places of worship. We asked respondents to reflect on the reasons why they chose to have a religious wedding, how they found a place of worship in which to marry, and the extent to which they were allowed to choose the content and structure of the ceremony. Respondents were also invited to discuss the importance and relevance of getting married in a place of worship for them, their families and friends. All interviews were digitally recorded and professionally transcribed. The interview transcripts were coded and thematically analysed in light of the key aims of the study. This involved a process of generating codes, creating initial themes and refining those themes in light of existing literature in the field. To ensure confidentiality, we use pseudonyms (see Table 1) and have omitted any information that would identify the participants. The quotations included are verbatim and we use three ellipsis to indicate any minor edits that have been made to clarify readability.

**Table 1: Research respondents, the religious denominations in which they have previously worshipped, and the denominations of the places of worship in which they were married.**

<b>Interview n.</b>	<b>Research participants</b>	<b>Religious denominations in which participants have previously worshiped</b>	<b>Religious denomination of the place of worship where participants were married</b>
1	William and Roger	William: various Christian denominations	Unitarian
		Roger: Protestant church in the reformed tradition	
2	John and Charles	John: Church of England	Baptist
		Charles: Church of England	
3	Grace and Lucy	Grace: non-religious background	Baptist

		Lucy: various Christian denominations	
4	Nicole and Rachel	Nicole: Methodist	Unitarian
		Rachel: various Christian denominations	
5	Rosie and Emma	Rosie: Church of England	Unitarian
		Emma: Methodist	
6	Marc and Daniel	Marc: Church of England	Unitarian
		Daniel: Catholic church	
7	Dennis	Dennis: Catholic church	Unitarian
8	Dorothy and Jessica	Dorothy: Catholic church	Unitarian
		Jessica: Catholic church	

In the sections that follow, we provide an analysis of the interview data in order to illuminate the experiences of same-sex couples who have had a religious marriage in England and Wales. We first consider the reasons why couples decided to have a religious marriage, followed by a discussion of the challenges that they faced in finding a place of worship in which to marry. We pay particular attention to how their experience has been shaped by the scarcity of places of worship (and religious denominations) that will solemnize same-sex marriages. We then consider the ways in which respondents engaged with and were supported by those in places of worship when organizing a marriage. We go on to explore how the respondents created the content and structure of their wedding ceremony, and the extent to which places of worship were prepared to accommodate and incorporate elements drawn from different religious beliefs and/or traditions. Finally, we consider how couples retrospectively view the longer-term effects of having a religious marriage ceremony on their lives.

### **Why Do Same-sex Couples Choose a Religious Marriage?**

The choice of our respondents to have a religious marriage was influenced by a number of factors that were both individual and social in nature. These included their personal

religious commitments, their understanding of how religious marriage was perceived and valued by other people (particularly members of their wider families), and their sense that religious marriage allowed them to enact ‘tradition’ and experience a sense of normalcy in ways that would have been otherwise impossible. At the root of the decision to have a religious marriage for most couples was the desire to formalize their relationship in a manner that reflected the strong personal religious commitments of one or both members of the couple. John, for instance, expressed his ‘adamant’ view that it was essential for his marriage to be solemnized in a church where he could make a ‘commitment in front of God’ (a view that was supported by his partner Charles who considered himself less religious than John):

I always said if I was going to get married it *had* to be in church. We kind of put off getting married, didn’t we, until it was agreed that church would marry us [...] Yeah, I grew up being a Christian and then I [was highly involved in] the Church of England, that’s how religious I kind of was. So it was so important to me that it was about, actually - it was that commitment in front of God, to each other, and not just about that piece of paper. So, we were, I was adamant. [Speaking to his husband Charles] I don’t think you were really that fussed were you [laughs] - to be honest? So, yes that’s why we decided to do it in church.

The decision to have a religious marriage typically reflected concerns about both the nature of the relationship that would be created between the members of the couple and the rituals through which the couple would enter into that relationship. In taking this decision, same-sex couples in England and Wales had to negotiate a complex legal framework that presents choices regarding both the type of legal relationship into which they can enter – with both civil partnership and marriage currently available – and the specifics of the ceremony through which the relationship will be either registered (in the case of civil partnership) or solemnized (in the case of marriage). As such, the decision-making of respondents was multi-layered and typically – as in the case of John and Charles – reflected both a preference for marriage over civil partnership as a form of legal recognition and a preference for a religious ceremony over a civil ceremony as the means to solemnize that relationship.

Prior to the MSSCA 2013, only civil partnership existed as an option for same-sex couples who wanted to enter into a legal relationship that offered rights comparable to different-sex married couples. Civil partnerships first became available in the UK in 2005 as a form of relationship that was conceived as specifically secular, given that it could neither be registered in a place of worship nor include religious words or songs in the ceremony (although the possibility of conducting a civil partnership in a place of worship – albeit using a civil ceremony – became possible in 2011).<sup>45</sup> As such, the enactment of the MSSCA 2013 was perceived by some respondents to have created a life-changing opportunity that had been unavailable previously. For example, Nicole and Rachel described how they had been against both entering into a civil partnership and having a civil marriage ceremony as a means of solemnizing their commitment to one another:

RACHEL: I definitely didn't want a registry office [...] I wanted a church. Because, I don't know how to explain [...] it's not that it's not a proper wedding if it's not in a church, but I wanted a wedding with God in, yeah. That's what felt right [...] I certainly didn't want a civil partnership because what's the point in a civil partnership if it's only for gay people?<sup>46</sup> That's just making people yet another different case.

NICOLE: Yes, I was in a long term relationship before [I met Nicole] and there we decided not to get [...] a civil partnership and [...] I felt that was second class so I didn't want to be part of that.

The MSSCA 2013 thus enabled the fulfilment of a deep and long-standing aspiration of many respondents to both enter into the institution of marriage and to do so in a place of worship with a religious ceremony.

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<sup>45</sup> Equality Act 2010, s 202; Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011, amending Marriages and Civil Partnerships (Approved Premises) Regulations 2005. For a discussion, see Johnson and Vanderbeck, 'Sacred Spaces, Sacred Words' (n 15).

<sup>46</sup> Civil partnership has since been extended to different-sex couples in England and Wales by the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, s 2 and the Civil Partnership (Opposite-sex Couples) Regulations 2019.

Several relatively older respondents reflected on how, prior to the opportunities created by the MSSCA 2013, they had been aware of alternative potential means of incorporating religion into a non-legally binding commitment ceremony or a civil partnership ceremony but considered these to be unsatisfactory. For instance, there is a long history pre-dating the enactment of the MSSCA 2013 of same-sex couples holding commitment rituals or blessing ceremonies in sympathetic places of worship (or, in some cases, in other places where a ritual or ceremony has been officiated by a celebrant acting without the approval of the wider religious organization). Moreover, since the introduction of civil partnerships in 2005, some couples have also chosen to follow a civil partnership registration ceremony with a subsequent religious ceremony in a place of worship.<sup>47</sup> These alternative means of seeking a religious blessing had been considered and explicitly rejected by Emma and Rosie, who discussed how they had consciously resisted the idea of a blessing ceremony as offered by some religious groups. Emma and Rosie chose not to seek either state or church recognition of their relationship until the legal framework had been changed to enable equal marriage rights for same-sex couples and, as such, the enactment of the MSSCA 2013 was experienced by them as a biographically transformative event:

EMMA: Our faith is really important to us and we've talked about getting married for a number of years, but we always wanted a faith element to it, so we discussed different ways of going about things, like whether to have the moment with the registrar and then we have friends who are in the church who could then come in and do something. And we talked about blessings and things like that as well. But I think when it comes down to it, we waited until it was legal and we were both brought up in the church, different churches, but brought up

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<sup>47</sup> See, for instance: A. K. T. Yip, 'Gay Christian Couples and Blessing Ceremonies' (1996) 4 *Theology & Sexuality* 100-117; J. Weeks, B. Heaphy and C. Donovan, *Same Sex Intimacies: Families of Choice and Other Life Experiments* (Abingdon: Routledge, 2001); C. Smart, 'Same Sex Couples and Marriage: Negotiating Relational Landscapes with Families and Friends' (2007) 55 (4) *The Sociological Review* 671-686; Smart (n 14); R. M. Vanderbeck, J. Andersson, G. Valentine, J. Sadgrove and K. Ward, 'Sexuality, Activism, and Witness in the Anglican Communion: The 2008 Lambeth Conference of Anglican Bishops' (2011) 101 (3) *Annals of the Association of American Geographers* 670-689; V. Clarke, C. Burgoyne and M. Burns, 'Unscripted and Improvised: Public and Private Celebrations of Same-Sex Relationships' (2013) 9 (4) *Journal of GLBT Family Studies* 393-418.

in the church, so it's a key part of who we are. And not to be able to share our marriage with friends and family in a place of worship, it didn't...

ROSIE: [cross talking] it didn't feel right did it? [...] One of the commonalities between us and the things that enabled our relationship to become cemented in something meaningful and solid was our faith [...] We just saw it as incomprehensible that God wouldn't be part of the promises that we made to each other first and foremost, so in that respect, having a blessing afterwards wasn't good enough. And we felt we had the right to it, didn't we? So we waited [...] In the list of things that aren't fair to same-sex couples, for us it was fairly high on the agenda - so we waited [...] So the [MSSCA 2013] was passed and even then we waited a little bit just to see, just to let it settle so that it wasn't a big sensational – 'Oh the Act has passed! Rosie and Emma are getting married!'

Not all couples, however, expressed as starkly the view that they would have been unwilling to marry or enter into a civil partnership if religious marriage had been unavailable to them. For some couples, religious marriage was strongly preferred by one or both members of the couple but, at the time of their engagement, was not necessarily deemed essential. Dorothy, for instance, indicated that she would have considered a civil marriage ceremony if her partner had been unable to find a welcoming church in which to solemnize their marriage. However, Dorothy also noted that having a civil marriage ceremony would nevertheless have felt in some ways 'false':

If you get married at a registry office, you're not allowed anything religious and that would have felt quite false. It wouldn't have felt like us. And it would have felt very, 'we're doing this because we can't have a religious wedding'.

In addition to the personal religious significance that having a religious marriage held for many respondents, couples also considered the wider set of familial and social relationships in which they were situated when making the choice to marry in a place of worship. Daniel, for example, wanted a religious marriage in part to 'satisfy that tradition [...] within the family' and to do it in a way that his parents 'might appreciate'. Many respondents suggested that holding their wedding in a church was meaningful for

members of their family and marrying in this way made couples feel as if they were continuing familial traditions. As Dennis explained, the decision to have a religious marriage ‘massively changed’ the way in which his family perceived the significance of his choice to marry his partner:

Personally myself, I have always considered myself to have a faith and my partner [...] has a semi-religious upbringing [...] We also wanted a marriage that was as normal as possible and most marriages, certainly in the heterosexual world are perceived to be church marriages<sup>48</sup>, whereas often registry office marriages were perceived to be places where people who either did not want to get married but wanted legal protection used, or people who couldn’t get married in churches went to because they had been divorced or been previously married. And so by having a church wedding we wanted to normalize our same-sex marriage and it also massively changed the perception of our families and friends in terms of the significance of what we were doing [...] If we had said we were going to the registry office [...] our parents would have said ‘that’s very nice, let’s go for a meal afterwards’. But as soon as we said we were getting married in a church it was all about that, and presents and cousins and aunts from [abroad], and it became a big family matter, and it was exciting and positive, rather than formal, and lovely.

In this extract, Dennis discusses his desire to have a wedding that was ‘as normal as possible’. Many couples invoked a language of normalcy and tradition when discussing how religious marriage better aligned with the customs of their families and their own prior expectations of how weddings should be. This is well illustrated by Grace who, although not personally identifying as a devoutly religious person (her partner Lucy had been the original proponent of having a religious marriage), nevertheless felt that having a ‘church wedding’ increased her sense that she was continuing the traditions of her family, and hence felt ‘more normal’:

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<sup>48</sup> Although this perception may persist, only about a quarter of all marriages in England and Wales are currently solemnized via a religious ceremony, as we noted above.

I would have been fine getting married in a registry office, but I think in a lot of ways doing it in a church strangely, made it feel more normal for me, even though I'm not religious. Because, as Lucy said, my mum and dad got married in a church, they're not religious, my sister got married in a church, she's not religious. Everybody I know really has got married in a church and most of them aren't religious at all. So, it just felt very normal for me.

Many respondents described themselves as relatively 'traditional' people and saw religious marriage as reflecting and reinforcing their traditional approach to life, despite their acute awareness that many religious organizations continued to promulgate stigmatising rhetoric about same-sex relationships as 'abnormal'. Dorothy, for example, described herself and her wife in the following way:

We're very traditional, we are buying a house, we want kids, we got engaged and then two years later we got married and we followed quite a traditional path.

Having a church wedding was, for Dorothy, perceived as an extension of the 'traditional' trajectory and future ambitions of the couple's relationship.

### **Finding and Choosing a Place of Worship**

A preference for a religious marriage, however, necessarily involved respondents having to identify a place of worship that was willing to solemnize their marriage. While respondents frequently noted that the MSSCA 2013 had created new opportunities for same-sex couples, they also recognized that these opportunities were significantly constrained in practice given the dearth of places of worship in England and Wales that perform same-sex marriages. A key aspect of this general constraint is that Anglican churches are excluded from solemnizing same-sex marriages, and very few other religious denominations have chosen to opt in to marrying same-sex couples. As a consequence, one commonality of the experience of our respondents is that none of them had their marriage solemnized in a church that was associated with a religious tradition in which either member had been raised or involved with prior to adulthood (see Table 1 for the range of religious backgrounds of the respondents).

In respect of their relationship with the places of worship in which they married, our respondents can be divided into two categories: those who had become involved with the place of worship in which they married before their engagement to marry (two couples), and those who first became involved with the place of worship subsequent to their engagement to marry (the remainder of the sample). For the individuals in both categories, however, a common experience was of a longer personal history of seeking out LGBT-affirmative places of worship after having previously experienced forms of discomfort or rejection from one or more places of worship. Developing a relationship with a place of worship in which to marry was, for all respondents, portrayed as part of this trajectory.

For those couples who had interacted with a place of worship that was willing to marry same-sex couples prior to the couple's engagement, the choice to marry in that place of worship was a relatively straightforward one. This choice was made especially straightforward given that these couples had no option to marry within the religious traditions with which they had been previously affiliated. Dorothy, for instance, discussed how she and Jessica had come to be involved with a Unitarian church as part of a broader search for a 'comfortable' religious home and how, if they had not found Unitarianism, they might have chosen a civil rather than religious marriage:

So a long time before we got married, I'd found this church just from Googling really and heard about Unitarian churches, went and felt very comfortable there, it was one of the first churches ever — bearing in mind I was raised Catholic and I'd been to other churches as well — it was the first church I felt comfortable with [...] So then, you [speaking to her wife] came with me as well, and we both liked it, and it was the first church we'd been able to go to together where we'd both felt comfortable [...] and somewhere we could imagine taking children to, because we want children, and so it just felt right didn't it? So I suppose, if we hadn't have found that church, I don't know if we'd have had a religious wedding or not.

In contrast, those couples with no involvement with a place of worship that would marry same-sex couples prior to their engagement had to actively search for a place of worship in which to marry. For some respondents, aspects of this process seemed familiar given

their previous attempts at finding religious groups and places of worship that were open to and accepting of LGBT people. John and Charles, for instance, discussed their prior experiences of ‘church shopping’, while Emma explained how ‘my background is Methodist but [...] I’ve always tried a load of different churches of different denominations to try and figure out where I fitted’. Nevertheless, for some respondents, the process often involved uncertainties, stresses, and anxieties about approaching places of worship where they feared there was a chance of encountering hostility.

One widely perceived challenge that many respondents reported related to the lack of easily accessible information regarding which places of worship were registered for same-sex marriage. Although an official government list of all places of worship registered for marriage is available online, it is presented in a format (an Excel spreadsheet currently containing details of over 29,500 places of worship) that arguably is neither ‘user friendly’ nor easy to interpret. Local authorities, which provide information on their websites about the process of having a marriage authorized on the authority of a superintendent registrar, tend to advise people to contact a place of worship directly to ask if they can marry there. Although register offices should be able to provide a list of places of worship that are registered for the solemnization of marriages in the district, couples were not generally aware of this and did not access information in this way. As a consequence, as Roger put it, seeking and finding a place of worship, in the absence of clear and easily available information, can be ‘very challenging’ and potentially serves as a barrier to some same-sex couples being able to have a religious wedding. For a number of respondents, internet search engines provided the primary means of acquiring information, as described by Nicole:

Having decided that we wanted a religious wedding, we needed somebody to marry us and I literally went to Google and looked up churches that would marry us, and it so happened that the Unitarian church came up and I looked at what Unitarianism was and I felt very at home with that.

Given the history of stigmatization of same-sex relationships by most religious organizations, a number of respondents reported feeling moments of anxiety or distress in the process of approaching churches about the prospect of marrying there. Several respondents described the fear they felt of being rejected by someone in a place of

worship if they contacted them to discuss the possibility of getting married there. Emma, for instance, discussed how she and Rosie found the process ‘painful’:

So we were then in a very awkward position that we were having to introduce ourselves to people who really don’t know us and anything about our background or us as individuals or our faith, introduce ourselves to them, ask them if they’ll marry us, and be prepared to be completely rejected, which was such a painful process.

Rosie and Emma’s friends offered to act as their ‘buffer’ by contacting local churches on their behalf to ask if they were willing to marry a same-sex couple. The fear of rejection was so high that the couple said that they were ‘terrified’ when they finally decided to telephone a place of worship themselves which they had discovered was friendly to same-sex couples. As Rosie explains:

I phoned and somebody answered the phone [...] and I said, ‘so I was just wondering if you would do same-sex marriages?’ And there was a pause – and for me it was the longest pause in the world – but she said, ‘do you mean gay marriage?’ And I said, ‘yes’ and there was another pause and then she said, ‘well, yes, of course I do!’ And I cried with relief.

Such anxiety about contacting a place of worship significantly shaped some respondents’ experience of organizing a religious marriage. As Roger explained:

Had [William] not found out the list, I wouldn’t have rung around all the chapels because I would work from the basis that they don’t allow it, so instead of phoning and being rejected [...] I would have not phoned and gone somewhere non-religious.

As these accounts demonstrate, approaching someone in a place of worship can be a significant challenge because it could result, in Roger’s and William’s words, in a ‘painful’ (Roger) and ‘horrible’ experience (William). As William explains, an awareness that some same-sex couples have experienced hostility from places of worship will probably deter same-sex couples from seeking a religious marriage:

This particular young woman told us [...] that she had rung around several different chapels asking if they did same-sex marriage, and they said 'no'. and I think she said that one also put the phone down on her, and she said it found it a really distressing experience [...] That's another problem that probably keeps that number [of same-sex couples who have religious marriages] even lower, because it's not easy to find out.

A further, explicitly geographical, challenge experienced by our respondents was created by the scarcity of places of worship registered for same-sex marriage in their local communities. As a result of the fact that same-sex couples often have few if any choices of places of worship in their local registration district(s), many are forced to navigate the additional legal and practical complexities of marrying in a different district. Half of the couples in our sample chose a place of worship in which to marry that was located in a registration district in which neither of the couple resided, which had legal and practical implications. For example, these couples had to travel to different locations in order to obtain the necessary certificates to allow them to marry in their chosen registration district. Nicole and Rachel, who each lived in different registration districts, had to give notice of marriage in the register offices of their respective districts and, in addition, obtain a certificate authorising the marriage from the register office of the registration district in which they were going to be married. As Rachel explained, the couple found this process 'complicated' because each register office had different opening times and procedures for booking appointments. A further complexity was that the registrar in Rachel's district was not persuaded that the place of worship they had chosen was a 'proper church' and required the Unitarian chapel to sign an additional form indicating when the place of worship had been registered for the solemnization of marriages. Similarly, John and Charles felt that one registrar they dealt with was 'a bit awkward' (Charles) because they were getting married in another registration district and requested that their minister fill in a form declaring that he was 'authorized' to marry them (John).

When attempting to find a place of worship in which to marry, the scarcity of places of worship willing to perform same-sex marriage has contributed to an experience, described by many couples, of effectively having been 'funnelled' towards particular

religious traditions with which they had little prior familiarity. For instance, Marc and Daniel – who professed to knowing virtually nothing about Unitarianism prior to approaching their local congregation – described their experience in these terms:

DANIEL: I think we were kind of funnelled towards it because there weren't that many options when we came to just explore different avenues and once we were kind of pushed in a direction, we found that it was a really, really, good fit for us and our values and so it quite quickly did become the natural choice for us when considering where to get married.

MARC: And that's really important, because that comes back to the legislation not necessarily being everything. It's the actual social impact of the legislation, what's practically available to people rather than what's legally available to people. And I think that we were very fortunate. The position, as I understood it in 2016 — when we started making plans [to marry] — was that there was one church within the whole of the county [where we lived] that was registered, and that's the one that we ended up going to.

For many other couples, like Marc and Daniel, the place of worship they identified for their wedding belonged to a religious tradition of which the couple had little knowledge. This accords with the findings of a previous survey of places of worship that had registered for the marriage of same-sex couples, which found that 75% of these had married same-sex couples who had never previously worshipped there.<sup>49</sup>

### **Negotiating Expectations with a Place of Worship**

Having found and chosen a place of worship in which to marry, our respondents engaged in discussions and negotiations with places of worship about the expectations they had in respect of the marriage ceremony. These discussions and negotiations were important given that many couples were new to the religious tradition in which they were to marry, and also because most of the places of worship had little or no prior experience of solemnizing marriages of same-sex couples.

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<sup>49</sup> Johnson, Vanderbeck and Falcetta (n 6) para 6.10.

All of the couples reported that they were asked to engage in various preliminary discussions and meetings with the minister of the place of worship in which they were marrying and, in some cases, other representatives of the place of worship prior to the wedding. A key expectation of those in spiritual roles in places of worship was that they wanted to meet the couple in person in order to discuss and agree the structure and content of the marriage ceremony. All of our respondents attended such meetings and described them as ‘informal’ (Emma) and as a way of ‘getting to know each other’ (Daniel). These meetings, in most cases, tended to focus on the couple’s ‘value base’ (Rosie). For example, Nicole and Rachel discussed how they coped with ‘adversity’ and how they knew that their relationship was not ‘a flash in the pan’ (Rachel). Such meetings were not perceived as formal requirements of organizing the marriage, but rather as a means of establishing a relationship with a place of worship.

Given that most respondents had no prior experience of worshiping in the religious tradition of their chosen place of worship, some couples were concerned that these preliminary discussions would involve questions of theology or religious doctrine. Although one couple (John and Charles) were asked to attend a preliminary meeting to discuss their Christian beliefs before the minister agreed to marry them (something they were happy to do), these discussions, in most cases, seemingly focused little on questions of personal religious belief, or on theological or doctrinal issues.

For couples new to the place of worship in which they were to marry, ministers often encouraged them to engage with the congregation prior to finalising their decision to marry there. Daniel, for instance, recounted how the minister told him that such a meeting would allow the couple to see if they liked the congregation and feel reassured that it was not composed of a ‘bunch of lunatics’. These first encounters with the congregation were approached with a degree of apprehension. As William explained, even though the place of worship had registered to solemnize same-sex marriages, ‘you still don’t know quite what you are going to get’:

I remember feeling very apprehensive going there for the first time, and we are still outside of the door because we went there at the end of a service because they said ‘come at the end if you want and then meet us, if you don’t want to

come to a service'. So we stood outside, and we could hear them singing and there was this big, old door and we were standing outside thinking, 'Do we go in yet? What should we do?' and feeling like 'What are they going to be like?' on the other side of this door. Because even though obviously they had registered for same-sex marriages, and you'd assume they would not be, like, bigots, you still don't know quite what you are going to get.

However, in retrospect, respondents characterized these first meetings in strongly positive terms. For example, Rachel appreciated the 'strong social conscience' of the Unitarian congregation, and Rosie valued the effort of individuals in the congregation to be 'connected to the world' and 'make change happen' in their local community. Other respondents described congregations as inclusive communities in which 'everything and everyone is welcome' (Emma), 'nobody is turned away' (John), and 'there's no constraints' (Lucy).

These interactions with congregations, which were important for establishing rapport between the respondents and their chosen places of worship, also provided the couples with support in understanding the legal framework regulating religious marriage. For instance, John and Charles, who did not know what they needed to do legally in respect of getting married in a place of worship, asked a member of the congregation for advice, and she explained to them the process of registering their 'intent to marry' with a registrar. Likewise, the minister explained to Marc and Daniel the process of giving notice of marriage, obtaining the required certificates, and keeping the certificates in the church safe until the marriage ceremony. William explained the 'quite clear help' he and his partner received from those in the place of worship:

the [authorized person] told us what we needed to do and the minister that was marrying us told us what we needed to do and basically it was quite organized, so we did all in a limited amount of time and, yeah, I don't remember it being difficult.

The expectation that our respondents engaged, to some extent, with congregations therefore resulted in them gaining useful support in understanding the legal requirements attached to marrying in a place of worship. This may be particularly

important to same-sex couples who find themselves in a legal environment, widely recognized to be complex and confusing,<sup>50</sup> of which few people had any prior experience.

### **Negotiating the Form and Ceremony of the Wedding**

A final key aspect of the discussions and negotiations between couples and places of worship concerned the format of the marriage ceremony itself. As discussed previously, marriages in places of worship may be solemnized according to such form and ceremony as the persons being married see fit to adopt. A key motivation for a number of respondents when choosing a religious marriage over a civil marriage was the perception that a religious ceremony, as Marc explained, had the potential to be ‘much more constructed around your beliefs and your values’. In order to achieve the ceremony that they desired, within a socio-legal context that denies same-sex couples the option of marrying in all but a few places of worship, couples were heavily reliant upon the flexibility and accommodation of those in the small number of places of worship willing to marry them. Whether or not a place of worship which has ‘opted in’ will accommodate the wishes of the couple in this way is ultimately at its discretion and subject to negotiation.

In engaging in negotiations with places of worship, couples consistently reported that those in their chosen place of worship exercised considerable flexibility in relation to the form and ceremony of the wedding. Indeed, the experience of negotiating the ceremony was discussed in primarily positive terms, and a number of respondents suggested that the places of worship showed obvious enthusiasm and excitement in supporting the couple to develop a ceremony that they would find rewarding. Dorothy, for instance, discussed the good will and excitement shown by the Unitarian church in which she and Jessica were to marry:

They had no precedent, we were the first same-sex marriage that they’d had in that church. They were – the word’s, like, excited, I think excited was an understatement! They were incredibly, I think they were, what’s the word – kind

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<sup>50</sup> Law Commission, *Getting Married: A Scoping Paper* (London: Law Commission, 2015).

of proud that we'd chosen them to get married. They were very humble about it, they were really [...], it's what they'd been wanting [...] they'd wanted that [...] If we'd have wanted reindeer prancing about the church, they'd have found a way of making it happen. They told us very early on what they had to do and what was prescribed, which was very little, it's just the legal bits and how they do that were their only prescribed bits and from then on it was what do you want, almost too much. We were like 'just tell us how to do this because we don't know!' [...] Ours wasn't the most religious ceremony in the world. It had elements of religion, but it wasn't a Unitarian service. It was our service, and it was bits and pieces, not just out of respect to them, but we chose bits that we knew would resonate with that church because that's what we felt comfortable with.

Rather than using a ceremony pre-determined by the place of worship, all couples discussed how they had 'personalised' their marriage ceremonies by incorporating elements from the religious traditions with which they were more familiar. This involved, for example, choosing familiar hymns from the Church of England (Nicole and Rachel) or reciting the 'Lord's Prayer' (Marc and Daniel). In some cases, specific individuals chosen by a couple to take part in the marriage ceremony incorporated elements from religious denominations different to the place of worship. Examples of this included a couple receiving blessings from friends who belong to the Church of England and the Methodist Church, a minister from the Episcopal Church delivering an address, a minister from the Church of England jointly leading prayers with the Unitarian minister who was solemnizing the marriage, and an 'independent' minister playing a role in a wedding alongside the celebrant. Consequently, because the places of worship in which they married were flexible to their wishes, these same-sex couples could negotiate the prohibition on same-sex marriage in most places of worship by 'patching together' a religious service that was meaningful to them. As such, they were married in a way that they experienced as 'genuine' (Lucy) to their faith.<sup>51</sup>

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<sup>51</sup> Previous research, on civil partnership formation, has demonstrated the ways in which same-sex couples 'personalize' legal ceremonies and relationships, through the use of symbols, ceremonies, and language, in order to approximate their ideals of 'traditional' marriage in circumstances where they do not have legal access to marriage. For a discussion, see: B. Heaphy, C. Smart and A. Einarsdottir, *Same-Sex Marriages: New Generations, New Relationships* (Basingstoke: Palgrave Macmillan, 2013); R. Auchmuty, 'Dissolution or

Beyond explicitly religious considerations, couples were strongly concerned to marry in accordance with their perceptions of tradition and normalcy, and this informed their views of how to devise a marriage ceremony in ‘the right way’ (Grace). Almost all of the couples said they wanted a ‘traditional’ ceremony with elements that they associated with a ‘church wedding’ (a phrase used by many respondents). Dorothy characterized what a traditional ceremony meant to her as the kind of wedding you see on ‘TV’ and ‘what was expected’. Similarly, Charles explained that he had wanted a wedding that involved ‘the full process’, from the ‘wedding march’ to ‘bridesmaids’ and ‘best men’. Couples reported that their chosen places of worship were highly accommodating of their personal aspirations for their weddings, with few requests denied. In one case, a place of worship specified that the couple could have a ceremony of their choosing as long as it did not involve anything ‘outrageous’ (Marc).<sup>52</sup> In another case, a minister in a place of worship declined the request by the couple to wear a rainbow collar while conducting the marriage ceremony. Other than these seemingly minor limitations, however, the places of worship were reportedly content to provide couples with the marriage ceremony of their choosing.

As noted previously, marriages in places of worship must be solemnized in the presence of a registrar or an authorized person, and each of the persons getting married must speak prescribed declaratory and contracting words. With one exception, the couples in our sample were married in the presence of an authorized person who was either a member of the congregation or the minister solemnizing the marriage. In these cases, the person from the place of worship solemnizing the marriage went through the prescribed words with the couple in advance of the ceremony to discuss which words the couple preferred to use. For example, Daniel recounted his desire to use the ‘old form’ of words and further negotiated with the minister about the way in which they would say them:

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Disillusion: The Unravelling of Civil Partnerships’ in N. Barker and D. Monk (eds.) *From Civil Partnership to Same-Sex Marriage: Interdisciplinary Reflections* (London: Routledge, 2015) 199-219.

<sup>52</sup> This resonates with previous findings about places of worship not allowing couples to use any material that is considered ‘naughty/daft/inappropriate’ (Johnson, Vanderbeck and Falcetta (n 6) para 6.25).

[In respect of] speaking parts or the legal words that we had to say, he [the minister] preferred us to have it written on a card and read it out but [...] we wanted to be able to look at each other and not have something in our hands. So, we asked if we could go for the [form] – which I thought was quite conventional – where the minister says something and you repeat it.

The ultimate aim of this, as Daniel explained, was to tailor a ceremony that ‘got to the heart’ of what the couple wanted with ‘themes working through the actual marriage ceremony [...] that kind of felt genuine’.

### **The Effects of Having a Religious Marriage Ceremony**

Having a religious marriage was a profound experience for the couples in our sample, and one which many felt had longer-term ramifications for their lives and relationships. For some respondents, an important effect of having a religious marriage was that they felt their sexuality had been accepted in a religious context for the first time in their lives. Respondents (with one exception) had worshipped up to a certain point in their lives in Christian churches, and, as Marc explained, there had been no ‘space where you could ever talk’ about sexuality. In contrast to these past negative experiences, couples felt accepted in the places of worship in which they got married – ‘celebrated and loved and encouraged’, in Rosie’s words. To have a place of worship in which their marriages were ‘accepted’, in contrast to the vast majority of places of worship in which this would not be the case, gave some respondents a sense of healing from past experiences of being told that ‘those two things [faith and homosexuality] couldn’t sit together in the same space’ (Lucy).

Couples also often discussed perceived benefits for their own relationship as a result of their experience of having a religious marriage. Being able to have a religious marriage allowed respondents to ‘live their faith’ together by, for example, fulfilling their commitment to marry ‘in the eyes of God’ (Rosie) and with ‘God’s permission and

God's authority' (John). Other couples described how a religious marriage had helped them to feel 'settled' in marriage (Nicole). As Dennis explained:

It's given a really firm foundation to our life and our relationship because it was a public declaration in a place that was at the very least sacred if not more, [...] it made it highly memorable, that doesn't seek to undermine civil relationships but for us it added the value that was significant.

Marrying in a place of worship, therefore, was viewed retrospectively as a profoundly important choice that had allowed couples to establish their married life in accordance with their shared 'core beliefs' (Lucy).

For a number of couples, being married in a place of worship was also perceived to have had significant positive impacts on relationships with other members of their families. As William explained:

Never when I was growing up did I think that I'd have my grandparents in a chapel with me getting married to a man, and I didn't even come out as gay until I [...] met Roger, and they were in my journey of acceptance of that, and how then at my wedding my grandad read from the Bible and that was a big thing for them and for me as well, yeah. Lots of emotions going on here, not just about us but bigger.

A further consequence of having a religious marriage for a number of couples related to the lasting relationship that was formed with the place of worship in which they married. In a number of cases, couples became affiliated with the place of worship in which they married and began to regularly take part in the life of the congregation. Many of the couples are now very active in their place of worship and/or the wider denomination of which it is a part, taking on roles including running a Sunday school, serving as representatives at denominational meetings, supervising chapel bookings, taking part in chapel events for people experiencing mental health problems, and contributing to the church's refugee support network. Religious marriage, as the couples described, was a springboard into a 'whole new family, a new friendship, a new

way of church doing' (John) which enabled them to get to know 'people of all different ages and different social or economic status' (William).

A number of couples also spoke about the impact that their religious marriage had on the wider communities of which they are a part. For example, William explained that his wedding had a 'symbolic' value for elderly guests who were gay and had 'waited all of their life to be part of a same-sex marriage, especially in a religious place'. A number of couples were approached by local or national media in relation to their weddings and agreed to engage with media as means of making same-sex marriage more visible and, as a consequence, facilitating what they perceived as positive social change. For example, Grace explained she agreed to have media outlets at her wedding because 'it's important that people see' that same-sex couples 'exist and can get married [...] in churches' and that this is 'normal'. Rosie and Emma similarly recounted their perception that their wedding was an important, socially transformative moment within their wider community:

ROSIE: I think it challenged so many people in a constructive way. It challenged norms of religion locally because so many people knew us, the town is a small town, and so many people converged into the church, and because the press were there, we made it very clear that our faith was at the heart of all of this, and it was a wonderful platform to be gay and a Christian, and I think it really encouraged other people to be more open about relationships and the fact that at the end of the day, it's about addressing the challenges of being human, and sexuality shouldn't come into it, and gender shouldn't come into it. And I think that for me was [...], apart from having the most amazing party and the fact that people still talk about it, but having, it just challenged huge, huge, norms and I got a sense of, it slightly shamed other faith-based organizations in the community. One of my best people is a slightly evangelical Christian, and his wife is very evangelical and all she wants for her two daughters is to find a good man, a good Christian man. That's what she was saying before we got married. Just before we got married, she changed that narrative to, all I want is my daughters to find a good Christian person that they love [...] That's a huge change [...] and they were hesitant and reticent at the beginning, weren't they? When we told them we were getting engaged we were greeted with silence,

weren't we? And a couple of days later we got a card, so they had to process the whole thing [...]

EMMA: But I think on a personal level, it's being able to make a huge commitment to each other in front of family, friends and our God. And it wouldn't have been the same anywhere different. God had to be there in all different sorts of ways. didn't he?

Nevertheless, despite these positive stories, many respondents also expressed a sense of sadness that they had been excluded from marriage in the religious traditions with which they had been raised or most closely affiliated over the course of their lives. For example, John said that he and his husband found it 'quite heart breaking because I've been brought up Church of England', and Rosie reported feeling an element of sadness at her ceremony 'because the Unitarians don't have a cross in their chapel [and] I feel quite angry with what the Church of England does'.

In this respect, couples often lamented that the current legal framework created 'inequalities' (Marc) between same-sex and different-sex couples wishing to have a religious marriage. Strikingly, however, the respondents did not support any hypothetical law reform that would compel churches to solemnize same-sex marriages. A key reason for this was the importance that they attached to protecting the 'religious freedom' (Dorothy) of those in places of worship and their right to their own 'theological interpretations' (Roger). Any attempt to compel places of worship to solemnize same-sex marriages was perceived as in opposition to the essence of what being religious is about. As John explained:

Church should be about going with your heart, not being told to do something [...]. You can't force anybody into doing anything that they don't want to do. And particularly with the same-sex marriage and places of worship, it's got to be down to each individual church. It has to be.

Furthermore, some respondents doubted that 'there is any value to gay people to force overtly homophobic churches' to marry same-sex couples (Grace). Compelling places of worship to solemnize same-sex marriages may, respondents felt, lead to increased

‘animosity’ and create ‘renegade’ anti-gay religious groups that would become more radicalized in their opposition (Dorothy). Indeed, some respondents felt that the current legal framework was, in some ways, ‘progressive’ because it enabled a clear distinction to be drawn between homophobic and inclusive churches. As Dennis noted:

I don’t think anyone should be compelled to do it [solemnize same-sex marriages] because, in that way, the true homophobia at the roots of the Church of England or Catholic Church is exposed. Whereas if they were required to do it, they might do it grudgingly or in a side aisle, but their actual underlying concern would be hidden and I don’t want it hidden, I want it exposed, revealed and known.

As several respondents explained, the current legal framework helps make visible those places of worship who ‘really want’ to solemnize same-sex marriages and, crucially, those that do not.

## **Conclusions**

In this article, we have provided the first analysis of the experiences of same-sex couples in England and Wales who have chosen to marry in a place of worship. We have shown how these experiences have been shaped within a socio-legal landscape in which only a tiny proportion of places of worship have chosen to opt in to the process of solemnizing the marriages of same-sex couples. One significant consequence of the dearth of potential places of worship in which same-sex couples can marry is that most of our respondents – whose previous religious affiliations had been primarily with either Anglican churches or religious organizations which have not opted in to same-sex marriage – had their marriages solemnized in places of worship associated with religious traditions about which they had little knowledge or experience prior to their engagement to marry. In a number of cases, it also meant that our respondents had to engage with administrative complexities resulting from the fact that there were no suitable places of worship within the registration districts in which they resided (current proposals for the reform of marriage law in England and Wales have the potential to reduce these geographical administrative barriers, although they will likely have no impact on the number of places of worship that choose to opt in to solemnize same-sex

marriage<sup>53</sup>). The search for a suitable place of worship in which to marry was anxiety-provoking for a number of couples given their previous experiences of religious hostility or rejection because of their sexual orientation. However, having found a place of worship in which to marry, couples described their weddings as transformative events that not only held great personal significance but also had wider social and community repercussions.

Overall couples recognized that the success of their religious marriage ceremonies was in many respects attributable to the flexibility of the places of worship in which they married in relation to theological issues and practices. Places of worship, they told us, often demonstrated flexibility in their willingness to marry couples with no prior connections to the religious tradition of the place of worship. Moreover, places of worship showed a willingness to negotiate the form of the wedding ceremony by, for instance, permitting the incorporation of elements from other religious traditions in the ceremony or the participation of people from other religious denominations.<sup>54</sup> For these couples, marrying in a place of worship with which they had no previous affiliation was a viable option that satisfied their deep desire for a religious wedding. However, whereas most of our respondents had prior histories of religious experimentation or ‘church shopping’ as a means of finding welcoming places of worship, this will not be true of other lesbian, gay, and bisexual people who have more fixed attachments to particular religious traditions. Many such people would likely find the prospect of marrying in a different faith tradition unpalatable, unviable, or contrary to their faith. This may be particularly acute for same-sex couples affiliated with non-Christian faiths – for example, Hindus, Muslims, or Sikhs – for whom marrying in a Christian-affiliated place of worship, such as a Unitarian chapel, may have little or no appeal. Many same-sex couples with strong religious faith therefore face a stark choice: they can have a religious marriage in a place of worship connected to a religious denomination with

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<sup>53</sup> Law Commission, *Getting Married: A Consultation Paper on Weddings Law* (Law Com No 247, 2020); Law Commission, ‘Give Couples More Freedom to Choose Where They Marry’ (3 September 2020) <<https://www.lawcom.gov.uk/give-couples-more-freedom-to-choose-where-they-marry-law-commission-proposes>> accessed 6 December 2020.

<sup>54</sup> Although this was the case for the churches in which respondents in this sample married, previous research with places of worship noted that Spiritualist places of worship sometimes indicated that they would not be willing to host ceremonies that incorporated specifically Christian elements. See: Johnson, Vanderbeck and Falcetta (n 6) para 6.26.

which have no or little previous connection or, alternatively, they can have a civil marriage with no religious ceremony.

Our findings, which provide insight into the dynamics of marriage amongst same-sex couples at a point of recent legal change, raise questions for future research on the intersection between law, religion, and sexuality. We suggest two particularly important areas for further inquiry. First, there is scope to better understand the potential consequences of the dynamics we have documented for places of worship that have taken the decision to opt in to solemnizing same-sex marriages. A number of respondents reported that the process of being ‘funnelled’ towards particular theologically liberal churches ultimately resulted in them becoming active members of these congregations. Previous research has documented cases of places of worship that report experiencing positive impacts for their congregations as a result of same-sex couples joining the congregation after marrying there, as well as broader benefits from being publicly recognized as a rare place of worship in a local area that will marry same-sex couples.<sup>55</sup> At a time when places of worship in these denominations (like places of worship more generally in the UK) are often facing declining attendance in their congregations, the opt in requirements of the MSSCA 2013 may have potential positive benefits for some places of worship. There remains scope to better understand how the MSSCA 2013 is shaping the futures of these places of worship.

Second, our findings point to the need to better understand evolving forms of political and legal consciousness<sup>56</sup> within the context of the (constrained) possibilities that now exist for the religious marriage of same-sex couples. There is clear evidence amongst our sample that the MSSCA 2013 has contributed to individuals developing a sense that their relationships have been afforded a level of both state and sacred recognition that had not been possible for much of their lifetimes. It is the intersection of state and religious recognition that has contributed to many respondents’ sense of feeling ‘normal’ – a feeling that featured prominently and powerfully in their narratives. While this sense of normalcy engendered by religious marriage will be seen as a welcome

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<sup>55</sup> Johnson, Vanderbeck and Falcetta (n 6).

<sup>56</sup> For a discussion of the political and legal consciousness of gay men and lesbians, in the United Kingdom and beyond, see: R. Harding, ‘Dogs Are “Registered”, People Shouldn’t Be’: Legal Consciousness and Lesbian and Gay Rights’ (2006) 15 (4) *Social & Legal Studies* 511-533; Hull (n 3).

development by many, it will also unsettle many conservative religious individuals and groups (whose opposition to the legalization of same-sex marriage is strongly rooted in a desire to prevent this kind of normalization) as well as those who critique a politics of normalcy that they argue is inherent to movements for marriage equality.<sup>57</sup> Certainly, our respondents explicitly saw their choice to marry in a church as having wider social, cultural, political and religious significance, and a number had even shared their stories with local or national media outlets that had approached them. Although the number of religious same-sex marriages remains tiny, stories of same-sex religious weddings have achieved a considerable level of visibility in mainstream media. This visibility has the potential to influence wider public debates about the nature of sexual orientation equality and, more specifically, the direction of ongoing, often fractious, debates within various religious organizations (including the Church of England and Church in Wales) about their treatment of lesbian, gay, and bisexual people. If same-sex religious marriage becomes more widely accepted among the population as, in our respondents' words, 'normal', then this may precipitate changes in those places of worship that currently prohibit same-sex marriage. There is a need for further work to better understand the wider social, cultural, and political repercussions of the legal framework regulating religious same-sex marriage across a range of sites and contexts.

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<sup>57</sup> See, for instance, S. D. Walters, *The Tolerance Trap: How God, Genes, and Good Intentions are Sabotaging Gay Equality* (New York: NYU Press, 2014).