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## Introduction

It was an idyllic summer's day. The sun shone on the weathered stone of the old house and the tiny Anglican parish church that stood on the other side of its garden. The bride's white lace gown swished softly over the grass as she and her father walked down the aisle between the benches where the guests were seated to where the groom was waiting by an archway covered with roses. An imam presided over their exchange of vows and gave a sermon explaining the commonalities between Islam and other faiths. Everyone then proceeded to the church, where the legally recognized wedding was led by an Anglican clergyman. No hymns were sung, on account of the COVID-19 restrictions then in place, but the bride's mother read a passage from the Koran. The couple then proceeded back to the garden, where the groom's mother read a passage from the Bible and the couple signed a *nikah* contract.

Beautiful though the ceremonies were, it was not quite what the couple had wanted. Their original wish had been to have a single ceremony that reflected their respective beliefs and was jointly led by this imam and a Christian pastor who had known the groom since childhood. As the bride put it, having a combined ceremony "was, if anything, the most important thing in our wedding ... to subtly reinforce the fact that someone who is Muslim and someone who is Christian *could* get married".<sup>1</sup> They had then discovered that to have a legally recognized wedding at their first choice of venue, the ceremony would have to be conducted by registration officers and could not include any religious content. While they could have legally married at a register office before or after having a religious ceremony, this was unattractive to them as they wanted the moment they became married

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<sup>1</sup> This was not a general concern about how a marriage between two people of different faiths might be seen, but a specific allusion to the differences of opinion that exist in Islamic jurisprudence on whether a Muslim woman can marry a non-Muslim man. See further [Chapter 5](#), which also discusses why it was not possible for the *nikah* ceremony to be held in the church.

both religiously and legally to be shared with family and friends at the same place and time. As the nearest mosque that was registered for weddings was over 50 miles away, having their legal wedding in the Church of England and a separate *nikah* was the only option left.

Their case – one of over 80 that we explored as part of an empirical research project – provides a powerful example of the complexity and constraints of the current laws governing weddings and how couples may not be able to marry in the form and ceremony of their choosing. It is those constraints and choices, and how they intersect with religious or other beliefs, that are the focus of this book.

In this introductory chapter, we first explain our aims in writing this book and its significance both to current policy debates and to broader global debates about the regulation of marriage. We then provide some context about weddings and beliefs (both religious and non-religious) in England and Wales today to show why we think that the topic of belief in marriage is an important one despite the apparent decline in the number of religious weddings recorded as having taken place in the two countries. After describing the evidence that underpins our analysis, we set out an overview of the chapters that follow.

## Aims

In exploring the role of belief in marriage,<sup>2</sup> we have two key aims: first, to assess how far the current law in England and Wales enables couples to legally marry in line with their beliefs and, second, to show why the law *should* enable couples to have a legally recognized wedding in line with their beliefs.

Throughout the book, references to ‘beliefs’ encompass non-religious belief systems such as Humanism as well as religious beliefs (unless otherwise stated), and the terms ‘legally marry’ and ‘legally recognized wedding’ are used to distinguish what the law recognizes as a valid marriage from what many couples in the study saw as their ‘real’ wedding.<sup>3</sup> We should also note that

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<sup>2</sup> Our focus is specifically on marriage; civil partnerships operate differently in that it is signing the relevant documentation that creates a civil partnership, rather than what is said during the ceremony. The signing may be accompanied by a religious ceremony, but that is a different matter. We think it is important that this option should remain: couples who do not believe in marriage should have the option of formalising their relationship in a way that is not modelled on a marriage ceremony. However, the fact that the civil partnership is entirely a statutory creation and has no counterpart within any religion or belief system means that it falls outside the scope of this book.

<sup>3</sup> The question of when a marriage will be recognized as valid is not entirely straightforward as it depends not only on the degree of compliance with the legal requirements but also on whether any failures to comply were ‘knowing and wilful’. A marriage will be void if the parties ‘knowingly and wilfully’ (Marriage Act 1949, ss 25 and 49) failed to

our focus is primarily on the ceremony rather than on all of the steps that are required for a legally recognized wedding; we recognize, for example, that the state has an interest in requiring couples to give notice in advance of the wedding so that checks as to their identity and capacity can be made and any impediments to the marriage identified, and we are not seeking to argue that such safeguards should be dispensed with.<sup>4</sup> As we will discuss, we think that the criteria for the ceremony should be aligned more closely with what couples believe constitutes their marriage, in line with the Law Commission's recommendations for reform.<sup>5</sup>

In relation to our first key aim, it might appear that the law does already make provision for couples to marry in accordance with their beliefs. While the relevant legislation, the Marriage Act 1949, only makes specific mention of Church of England, Quaker, and Jewish weddings, in principle any other religious group may register its place of worship for weddings.<sup>6</sup> The relevant provisions have been described as providing 'a gateway for the legal recognition of marriages that adopt the form and ceremony of other religions'.<sup>7</sup> And for these purposes, the concept of what constitutes a religion is a broad one that need not involve a belief in any specific deity, simply a belief that 'there is more to be understood about mankind's nature and relationship to the universe than can be gained from the senses or from science'.<sup>8</sup>

Yet while the law's concept of what constitutes a religion is broad, non-religious belief organizations do not have the option of registering their meeting places for weddings and so are not able to conduct legally binding weddings.<sup>9</sup> Moreover, being able to get married in a particular place of worship is not necessarily the same as being able to marry in accordance

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comply with certain key provisions. A ceremony may also be classified as 'non-qualifying' (*AG v Akhter and Khan* [2020] EWCA Civ 122) if the parties married outside the legal framework altogether. For a more detailed explanation of these distinctions and their consequences, see Rebecca Probert, Rajnaara C. Akhtar, and Sharon Blake (2022) *When Is a Wedding Not a Marriage? Exploring Non-legally Binding Marriage Ceremonies: Final Report* (Nuffield Foundation), ch 3.

<sup>4</sup> The detailed requirements governing the preliminaries are set out in Law Commission (2020) *Getting Married: A Consultation Paper on Weddings Law* (3 September), ch 2.

<sup>5</sup> Law Commission (2022) *Celebrating Marriage: A New Weddings Law* (19 July).

<sup>6</sup> Marriage Act 1949, s 41. See further [Chapters 3 and 4](#).

<sup>7</sup> *R (ota Harrison) v Secretary of State for Justice* [2020] EWHC 2096 (Admin), [9], per Eady J.

<sup>8</sup> *R (Hodkin) v Registrar General of Births, Deaths and Marriages* [2013] UKSC 77, [57], per Lord Toulson.

<sup>9</sup> All-Party Parliamentary Humanist Group (2018) 'Any Lawful Impediment?' *A Report of the All-Party Parliamentary Humanist Group's Inquiry into the Legal Recognition of Humanist Marriage in England and Wales*: <https://humanists.uk/wp-content/uploads/APPHG-report-on-humanist-marriage.pdf>

with one's beliefs. A wedding in a registered place of worship can take place according to the form and ceremony of the couple's choosing but has to include certain prescribed words and be conducted in the presence of a person authorized to complete the paperwork.<sup>10</sup> As we will show, these apparently neutral requirements enable Christians to believe that their religious weddings are legally recognized<sup>11</sup> and lead non-Christians to believe that their religious weddings are legally irrelevant.<sup>12</sup> As a result, those whose legally recognized wedding took place in a mosque, temple, or gurdwara did not necessarily see themselves as having legally married in accordance with their beliefs, but regarded themselves as having had a civil wedding in addition to their religious ceremony.

This disjunction between what is legally possible and how that law is experienced explains why one person can write that 'it is today possible to marry in a Hindu or Sikh temple [or] in a Mosque'<sup>13</sup> and another that Hindu, Sikh, and Muslim marriages 'are not recognised under the law'.<sup>14</sup> Both are right, because each is making a slightly different claim: the option of getting married in a Hindu temple does not mean that the Hindu marriage ceremony is recognized.<sup>15</sup>

For present purposes, the crucial question is whether couples *believed* themselves to have married in accordance with their beliefs. In order to answer this, in the chapters that follow we provide a contextual analysis of the legislative framework in England and Wales to ascertain what is possible, what is practicable, and how the law is perceived.

In showing why the law *should* enable couples to marry in line with their beliefs, we are not suggesting that the question of what constitutes a legal marriage should simply be delegated to religious groups to decide.<sup>16</sup> The case law on the application of religious law to questions of validity shows

<sup>10</sup> Marriage Act 1949, s 44.

<sup>11</sup> See [Chapter 3](#).

<sup>12</sup> See [Chapter 4](#).

<sup>13</sup> Stephen Cretney (2007) 'Relationships: law, content and form' in Carola Thorpe and Judith Trowell (eds) *Re-rooted Lives: Inter-disciplinary Work within the Family Justice System* (Jordans), 163.

<sup>14</sup> Shaista Gohir (2016) *Information and Guidance on Muslim Marriage and Divorce in Britain* (Muslim Women's Network UK), 27.

<sup>15</sup> The question of what it means for a particular type of wedding to be 'recognized' is a particularly complex one. From one perspective, only Anglican weddings are recognized in and of themselves, while the legal recognition of other weddings, including Quaker or Jewish ones, depends on compliance with additional legal requirements. See further [Chapter 2](#).

<sup>16</sup> For discussion of the issues this may entail, see Joel A. Nichols (ed) (2012) *Marriage and Divorce in a Multicultural Context: Multi-tiered Marriage and the Boundaries of Civil Law and Religion* (Cambridge University Press).

that this approach does not necessarily result in a ceremony being upheld.<sup>17</sup> Our starting assumption is therefore that there will continue to be a statutory framework setting out the requirements for a legally recognized wedding, but that this framework could and should be revised to ensure that it operates equally for all beliefs.

In thinking about the role of belief within the legal framework, we take up the question posed by Jane Mair in her perceptive article on belief in marriage, which inspired the title of our book. She asked: ‘Is religious marriage simply a remnant of earlier times, has it become a consumer-friendly system which allows religious couples to satisfy legal and faith commitments in one cost-effective ceremony or might it be an important aspect of the expressive function of family law?’<sup>18</sup> Our findings suggest that ‘belief weddings’ – that is, a wedding that reflects either religious or non-religious beliefs<sup>19</sup> – do, or could, perform an important expressive function. First, rules that give those of different beliefs the same opportunity to marry in accordance with their beliefs send an important message about respect, equality, and inclusion. Second, being able to get married in a way that reflects one’s beliefs affects the nature of the process and gives additional weight and meaning to it.<sup>20</sup> As John Eekelaar has commented:

Most people see marriage as a major event in their personal lives, which for many can only be adequately expressed if it has been brought about in a manner in accordance with a deeply held belief, or in a way that holds strong meaning for them. The logical (if radical) outcome of recognising this is that it should not matter what type of ceremony accompanies the formation of the marriage if it fulfils those requirements for the parties.<sup>21</sup>

These are issues to which we will return. We turn now to consider the significance of these particular issues.

## Significance

The research that underpins this book was carried out at the same time the Law Commission was conducting a review of the law governing weddings. As the Law Commission explained in a consultation paper

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<sup>17</sup> See further [Chapter 2](#).

<sup>18</sup> Jane Mair (2015) ‘Belief in marriage’ 5 *International Journal of the Jurisprudence of the Family* 63, 84.

<sup>19</sup> Law Commission (2022), para 2.3.

<sup>20</sup> See further [Chapter 10](#).

<sup>21</sup> John Eekelaar (2013) ‘Marriage: a modest proposal’ 43 *Family Law* 83, 85.

published in 2020, the terms of reference of this review were ‘to provide recommendations for a reformed law of weddings that allows for greater choice within a simple, fair, and consistent legal structure’.<sup>22</sup> Having identified how the differential treatment of different beliefs within the current law meant that some couples had ‘more freedom to have a ceremony that is meaningful to them than others’, it recommended a new scheme that would ‘assist couples and religious organisations for whom the current law simply does not work’.<sup>23</sup>

Under this new scheme, the differences between different religious groups would be reduced, if not removed entirely.<sup>24</sup> Registering a building would no longer be the ‘gateway’ for conducting legal weddings: all religious groups that meet certain criteria would be able to nominate officiants to oversee weddings.<sup>25</sup> Those weddings would not need to include any words prescribed by law: the moment at which a couple become married in the eyes of the law would be the moment at which they become married in the eyes of their religion, whether that entails certain words being said or certain actions being performed.<sup>26</sup> In this way, all religious groups would be able to conduct weddings in much the same way that the Society of Friends and various Jewish groups have been able to since 1837. At the same time, the legal restrictions that currently apply only to Quaker and Jewish weddings would be removed.<sup>27</sup> In addition, depending on decisions taken by the government,<sup>28</sup> non-religious belief organizations would be able to nominate officiants on the same basis as religious organizations, and civil weddings could be officiated by independent officiants as well as by registration officers.

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<sup>22</sup> Law Commission (2020), para 1.68.

<sup>23</sup> Law Commission (2022), para 2.9.

<sup>24</sup> Anglican weddings would still stand on a slightly different footing in that Anglican preliminaries would still be recognized as legal preliminaries and clergy authorized to exercise ordained ministry within the Church of England or Church in Wales would automatically be recognized as officiants: see Law Commission (2022), paras 3.23 and 4.105.

<sup>25</sup> Law Commission (2022), para 4.256. The criteria are that ‘(1) the organisation has been established for a minimum period, during which period it has had members from at least 20 households who meet regularly in person for worship or in furtherance of or to practise their beliefs; ... (2) it has a policy about nominating and monitoring officiants; and (3) it would be a manifestation of an individual’s religion or beliefs to have a wedding officiated at by an officiant nominated by that organisation’.

<sup>26</sup> Law Commission (2022), para 5.78.

<sup>27</sup> See further [Chapter 2](#).

<sup>28</sup> The Law Commission’s terms of reference were to devise a scheme that could include non-religious belief organizations and independent celebrants, but the decision as to whether the scheme *should* include them rests with the government: Law Commission (2022), para 1.49.

The negative perceptions that many of the study participants had of the current law contrasted sharply with their positive assessment of the Law Commission's proposals for reform.<sup>29</sup> The implementation of its recommendations would enable far more couples to have a legal wedding that reflects their beliefs, and the pages that follow provide further evidence of the importance of this.

While our focus is on the law of England and Wales, our findings also have relevance for the way in which entry into marriage is regulated in other countries. Across the globe, the majority of jurisdictions make provision for couples to enter into a legally recognized marriage via religious rites.<sup>30</sup> But that does not necessarily mean that all religious groups stand on the same footing. In any jurisdiction where entry into marriage was originally governed by a national church or single religious grouping, the law is likely to bear the imprint of the past, whether in only recognizing certain religious groups as able to conduct weddings or, more subtly, in apparently neutral rules about the formalities that are required.<sup>31</sup> Such rules may not only reflect particular religious values but also, on a practical level, be easier for some groups to satisfy than others. Empirical research has established how Muslim couples in different European jurisdictions have experienced similar issues in navigating the legal requirements for a valid marriage.<sup>32</sup>

Our findings also have relevance for those jurisdictions that have universal civil marriage.<sup>33</sup> While our participants' comments on the impact of

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<sup>29</sup> See Rebecca Probert, Rajnaara C. Akhtar and Sharon Blake, *When Is a Wedding not a Marriage? Exploring Non-legally Binding Marriage Ceremonies: A Briefing Paper for the Law Commission* (2021), and see further [Chapter 10](#).

<sup>30</sup> This is the case not only within other common law jurisdictions such as Australia, Canada, New Zealand, and South Africa, but also across Europe, with legally recognized religious weddings being an option in Croatia, the Republic of Cyprus, the Czech Republic, Denmark, Estonia, Finland, Greece, Italy, Latvia, Lithuania, Malta, Portugal, Slovakia, Spain, and Sweden. Most African and Asian countries also make provision for religious weddings, China and North Korea being notable exceptions.

<sup>31</sup> See, for example, Caroline Sörgjerd (2012) *Reconstructing Marriage: The Legal Status of Relationships in a Changing Society* (Intersentia), 204, which discussed the position in Sweden.

<sup>32</sup> See, for example, Federica Sona (2018) "'Mosque marriages'" and nuptial forms among Muslims in Italy' 7 *Oxford Journal of Law and Religion* 519; Anja Bredal (2018) 'Contesting the boundaries between civil and religious marriage: state and mosque discourse in pluralistic Norway' 6 *Sociology of Islam* 297; Ibtisam Sadegh and David E. Zamiit (2018) 'Legitimizing a Muslim marriage in Malta: navigating legal and normative structures' 7 *Oxford Journal of Law and Religion* 498.

<sup>33</sup> Such jurisdictions are, it should be noted, a minority in global terms: see Rebecca Probert (forthcoming 2024) 'Universal civil marriage: a blueprint for the future or an idea whose time has passed?' in Rebecca Probert and Sharon Thompson (eds) *Research Handbook on Marriage, Cohabitation and the Law* (Edward Elgar). In broad terms, jurisdictions have



separating the legal wedding from the more meaningful ceremony cannot simply be transposed to such jurisdictions – after all, it may be that the resentment at having to have a separate legal wedding is lessened when this is required of all couples – they do raise questions as to how universal civil marriage is perceived and experienced.<sup>34</sup> Seen as a strategy adopted in earlier centuries as part of the shift in the balance of power from church to state or to underline the unity or modernity of a new nation-state,<sup>35</sup> universal civil marriage may have served its purpose. Increased secularization means that recognizing religious forms of marriage would pose no challenge to the authority of the state; this recognition might also be more successful than universal civil marriage in integrating communities who regard the religious rite as more important than the legal wedding.<sup>36</sup>

Indeed, in recent decades the global trend has been towards extending, rather than restricting, the ways in which couples can marry. Scotland, Northern Ireland, and the Republic of Ireland all now make provision for non-religious belief weddings as well as religious ones.<sup>37</sup> Independent celebrants have been able to conduct weddings in Australia and New Zealand since the 1970s, and recent reforms in Guernsey and Jersey make provision for celebrants to be authorized to conduct weddings there.<sup>38</sup> The question as to the role to be accorded to different kinds of beliefs in devising the rules for entry into marriage is therefore one that arises whether religiosity is declining, diversifying, or intensifying.

## Context

On 19 May 2022, the Office for National Statistics released the official statistics on marriage in England and Wales for the year 2019.<sup>39</sup> Its headline figures were couched in rather negative terms: there had been a 6.4 per

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tended to introduce universal civil marriage as a demonstration of the power of the state, often as a reaction against the Catholic Church or as part of communist ideology.

<sup>34</sup> See, for example, Maaïke Voorhoeve (2018) ‘Law and social change in Tunisia: the case of unregistered marriage’ 7 *Oxford Journal of Law and Religion* 479, for an exploration of the conflict between social norms and the laws imposed by an authoritarian state.

<sup>35</sup> On which see Rebecca Probert (2020) ‘State and law’ in Paul Puschmann (ed) *A Cultural History of Marriage in the Age of Empires* (Bloomsbury).

<sup>36</sup> For discussion of religious-only marriages in jurisdictions that have universal civil marriage, see, for example, Annalies Moors, Martijn de Koning, and Vanessa Vroon-Najem (2018) ‘Secular rule and Islamic ethics: engaging with Muslim-only marriages in the Netherlands’ 6 *Sociology of Islam* 274.

<sup>37</sup> See [Chapter 7](#).

<sup>38</sup> Marriage (Bailiwick of Guernsey) Law 2020; Marriage and Civil Status (Jersey) Law 2001, as amended by the Marriage and Civil Status (Jersey) Order 2018.

<sup>39</sup> Office for National Statistics (2022) ‘Marriages in England and Wales: 2019’ (19 May).

cent decline in weddings overall compared to 2018, with the number of opposite- and same-sex weddings alike going down; and at 18.7 per cent, fewer than one in five opposite-sex couples had a religious wedding, the lowest percentage on record, while only 0.7 per cent of same-sex weddings had been religious ones.

The figures prompted a few jeremiads in the media about the decline of marriage,<sup>40</sup> with a number of commentators highlighting the particularly sharp decline in the number of religious weddings.<sup>41</sup> Yet the fact that 439,700 individuals chose to enter into a legally recognized marriage in England and Wales<sup>42</sup> in 2019 despite the removal of many of the incentives to marry<sup>43</sup> does indicate that marriage is still statistically and socially important.

Moreover, when we drill down into the different types of legally recognized religious weddings that are taking place, it is clear that the statistics do not tell the whole story about how couples might wish to marry. People in some religious groups are far more likely to marry in a religious wedding than people in others. In 2019, 72.4 per cent of religious weddings were Anglican, 10.1 per cent were Catholic, 12 per cent were conducted according to the rites of other Christian groups, and 5.4 per cent were conducted in non-Christian places of worship.<sup>44</sup> While Christians still outnumber followers of other faiths in England and Wales, they are not 20 times as numerous. To put it another way, just 2,143 legally recognized weddings in registered places of worship were recorded for approximately 3.9 million Muslims, 1 million Hindus, 524,000 Sikhs, 273,000 Buddhists, and 348,000 followers of other religions.<sup>45</sup>

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<sup>40</sup> See, for example, *Mail Online* (2022) 'Number of marriages slumps to lowest level since Queen Victoria was on the throne', 19 May; Melanie McDonagh (2022) 'Our carelessness towards marriage will cost us dear', *The Times*, 23 May.

<sup>41</sup> See, for example, the *Independent Online* (2022), 'Marriage rates for opposite-sex couples drop to new record low', 19 May, emphasizing the 'long-term fall in the proportion of marriages that are religious ceremonies', and *The Times* (2022), 'Marriage rate drops to lowest on record', 20 May, noting that there had been 'a 60.4 per cent decrease in opposite-sex religious ceremonies over the past two decades'.

<sup>42</sup> It should be noted that the figures only record weddings that took place in England and Wales, not the number of people resident in England and Wales who got married. On the basis of data from the International Passenger Survey, it can be tentatively suggested that 63,900 individuals usually resident in England or Wales travelled overseas to get married in 2019, while 3,500 overseas residents married in England or Wales: see Office for National Statistics (2022) 'Marriages' and (2008) 'Report: marriages abroad 2002–2007' 133 *Population Trends* 65.

<sup>43</sup> On which see Rebecca Probert (2012) *The Changing Legal Regulation of Cohabitation: From Fornicators to Family, 1600–2010* (Cambridge University Press).

<sup>44</sup> Office for National Statistics (2022) 'Marriages'.

<sup>45</sup> Office for National Statistics (2022) 'Religion, England and Wales: Census 2021' (29 November).

The disjunction between the number of religious weddings of different types and the religious profile of England and Wales suggests that more attention needs to be paid to what is practicable, as well as what is possible, in interpreting the statistics on how couples marry. It should also be remembered that the official statistics, by definition, only record legal weddings. While the precise number of religious-only marriages is unknown, and the reasons for entering into such a marriage are complex,<sup>46</sup> our data suggests many couples have a belief ceremony in addition to the civil wedding which is recorded and that more couples would enter into a legal marriage if they could do so in a way that reflected their beliefs.<sup>47</sup>

In assessing the relationship between religious beliefs and religious weddings, it should be noted that the decisive shift away from religious weddings only occurred in the late 1990s, when it became possible to have a civil wedding on approved premises such as hotels and stately homes.<sup>48</sup> Having a greater choice of attractive venues undoubtedly meant that many couples who might previously have chosen to marry in a place of worship for its aesthetic qualities, despite having no religious beliefs, were able to marry in a way that reflected their lack of beliefs. But there are also many couples who marry on approved premises and have a separate religious ceremony to reflect their beliefs.

To the many couples who have a religious marriage ceremony before or after a legally recognized wedding should also be added the increasing number choosing to have a ceremony led by a Humanist celebrant. In *R (ota Harrison) v Secretary of State for Justice*, in which the High Court considered a complaint by six Humanist couples that the current law breached their rights under the European Convention on Human Rights, the court heard evidence from Humanists UK that it had 260 celebrants conducting around 1,000 ceremonies in England and Wales each year.<sup>49</sup> In addition, as we will show, ceremonies conducted by independent celebrants or, on a more informal basis, by a friend or relative of the couple may also reflect the beliefs of the parties.

These additional ceremonies expose the extent to which the legal options for getting married do not reflect how couples actually want to be married.

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<sup>46</sup> On which see Rajnaara C. Akhtar, Patrick Nash, and Rebecca Probert (eds) (2020) *Cohabitation and Religious Marriage: Status, Similarities and Solutions* (Bristol University Press).

<sup>47</sup> See further [Chapter 9](#).

<sup>48</sup> For analysis of this shift, see John Haskey (1998) ‘Marriages in “approved premises” in England and Wales: the impact of the 1994 Marriage Act’ 93 *Population Trends* 38; John Walliss (2002) “‘Loved the wedding, invite me to the marriage’”: the secularisation of weddings in contemporary Britain’ 7 *Sociological Research Online*: <https://doi.org/10.5153/sro.765>

<sup>49</sup> [2020] EWHC 2096 (Admin), [27].

As we will show, many couples who are formally recorded as marrying in a civil wedding do not regard that as their ‘real’ wedding.

## Our evidence

To show how the law is experienced in practice, we will draw on data from our project on non-legally binding wedding ceremonies. This project, funded by the Nuffield Foundation, was a qualitative research study into non-legally binding wedding ceremonies in England and Wales. It set out to explore the reasons people have for going through non-legally binding wedding ceremonies and the role of those who conduct them. We spoke to 170 individuals who either had had at least one non-legally binding ceremony or had been involved in conducting such ceremonies.<sup>50</sup> Unlike much of the existing literature, which has focused on religious-only marriages within Muslim communities, our project also examined ceremonies that took place in *addition* to a legal wedding. These included Bahá’í, Buddhist, Christian, Hindu, Humanist, interfaith, Jewish, Pagan, Sikh, and Zoroastrian ceremonies as well as ones led by independent celebrants.

There was a range of reasons why those we interviewed had two separate ceremonies, which we analyzed in our report.<sup>51</sup> Our focus here is on how they described their beliefs, how their ceremony – if not necessarily their legally recognized wedding – aligned with those beliefs, and how they would have welcomed the option of getting legally married in a way that reflected those beliefs.

We should note that the only criterion for inclusion in our study was that the individual had had a *non*-legally binding ceremony or had conducted one. As a result, the study focused on individuals for whom the current law does not cater, and it cannot be taken as representative of all couples getting married in England and Wales.<sup>52</sup> Nonetheless, it provides important insights

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<sup>50</sup> For those who had a non-legally binding ceremony, we used the semi-structured interview method, generally interviewing one member of the couple who had married (except for five interviews with both members of the couples). Where we refer to ‘interviewees’ in the book, it is this group to which we are referring. For those involved in conducting ceremonies, we primarily used focus groups. However, group interviews (generally with two participants) and individual interviews were also used, both for convenience in terms of scheduling and to enable individuals to speak more freely than they might otherwise have done.

<sup>51</sup> See Rebecca Probert, Rajnaara C. Akhtar, and Sharon Blake (2022).

<sup>52</sup> For a full explanation of the composition of our sample, see [Chapter 2](#) of our report. For the purposes of this book, participants have been given pseudonyms (see [Appendix](#)). All of the data has been anonymized, and details that might lead to the identification of particular individuals have been removed.

into perceptions of the legal constraints as well as how individuals' experiences of the process of getting married differed depending on their beliefs.

## The structure of the book

Chapters 2 through to 8 each look at a different set of beliefs or type of ceremony, with the sequence reflecting the extent to which those beliefs are accommodated by the existing law. In each of these chapters, we provide a description of the ceremonies being discussed to illustrate the different forms that weddings take within different traditions. Even within our sample, however, wedding ceremonies varied widely depending on numerous factors, including ethnicity, age, and whether either party had been married before, not to mention cost. We do not seek to provide a comprehensive overview of every ceremony but hope that these descriptions aid understanding.

We therefore begin with the special treatment accorded to Anglican, Quaker, and Jewish weddings: as Chapter 2 will show, only Anglican weddings provide a purely religious route to a legal wedding, and the privileges accorded to Quaker and Jewish weddings may be more evident at an organizational level than an individual one.

Chapters 3 and 4 examine weddings in registered places of worship, with Chapter 3 explaining how the option was designed for Christian weddings and how the legal requirements operate in practice to encourage a sense that the law recognizes Christian weddings, and Chapter 4 showing how the converse applies to non-Christian weddings in registered places of worship, with identical legal requirements intersecting with religious rites in a very different way. Those differences in practice are also central to Chapter 5, which explores the particular challenges that arise where couples are of different faiths or where only one person in the couple holds religious or other beliefs.

In Chapters 6, 7, 8, and 9, we turn to consider the types of ceremonies for which the law makes no real provision at present. Pagan weddings, considered in Chapter 6, merit separate consideration, largely because most Pagan places of worship are not buildings at all and so do not qualify to be registered under the current law. Chapter 7 turns to the issue of belief in Humanist ceremonies, Chapter 8 considers the extent to which ceremonies led by independent celebrants may also be used to reflect a couple's beliefs, and Chapter 9 explores how having a ceremony led by a friend or family member may be important for a couple to marry in accordance with their beliefs.

In each of these chapters, we discuss the implications of the Law Commission's recommendations for reform for the type of ceremony in question. Chapter 10 returns to the broader question of why we think the law *should* enable couples to marry in line with their beliefs.