

Negotiating Dissonance between the Religious, the Civil and the Legal in Anglican Same-Sex Weddings

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With the adoption of same-sex marriage or marriage-like schemes by civil authorities on both sides of the North Atlantic, Anglican same-sex couples in England, Scotland and the United States have had to negotiate various forms of dissonance between the religious celebration and the legal or civil status of their unions. This often translates into couples having multiple celebrations of their unions in order to bring together the legal and the religious creatively. These multiple ceremonies evidence the grip exercised by the tradition of a single wedding ritual that is both religious and legal on the imagination of Anglican same-sex couples. Enduring attachment to this tradition has given rise to particular LGBTQ ways of relating the celebration of a union to time, thus contributing to the unravelling of a rigidly legal Anglican understanding of the marriage rite.

Since the rise of the gay liberation movement in the late 1960s on both sides of the Atlantic, local clergy from various denominations or in so-called gay churches have offered same-sex couples the possibility of celebrating their relationship liturgically. Some of these clergy have been Anglican. In the 1970s, 1980s and 1990s, religious same-sex ceremonies were more often than not the only way by which same-sex couples could celebrate their commitments in as public a way as local and denominational circumstances would allow. These ceremonies accompanied the rise of an Anglican LGBT-affirming movement, which led to the multiplication of local congregations and sometimes dioceses in which, whatever the position of the national church, same-sex couples could feel valued. The absence of any state-sanctioned recognition of these couples, however, meant that the church ceremonies were purely symbolic, religious events and understandably left a bitter-sweet taste of incompleteness

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in the mouths of many. This initial discrepancy between the symbolic capital conferred by these same-sex ceremonies and the civil rights that the couples wanted gave way to new forms of dissonance, at least initially, when marriage-like schemes and same-sex marriage appeared as legal realities on both sides of the Atlantic.

In the decade preceding the US Supreme Court's 2015 ruling on same-sex marriage and the Episcopal Church's decision that year to make its marriage canon gender-neutral, a number of US states legalized same-sex marriage, although some dioceses would only solemnize such marriages in liturgies that did not make use of marital terminology. In a somewhat different vein, in the Scottish Episcopal Church between 2007 and 2014, it was the new gender-neutral marriage service that progressive clergy who blessed civil partnerships felt it natural to use, introducing what might be called a prophetic dissonance. In both these churches, dissonance between the religious and the civil meaning of the relationship went hand in hand with the necessity, whether imposed by the law of the land or by the church, of staging two ceremonies, or at the very least one ceremony with two distinct, separate parts, one religious and one legal. In the Church of England, the terminology and spirit of ceremonies for same-sex couples have usually reflected the status of the relationship in law, but since the implementation of the Civil Partnership Act 2004, the norm resulting from legal rules and denominational discipline has also been to plan for two separate events, one civil and one religious. Church of England same-sex couples have often introduced subjective meaning into both that jars with the status of the civil ceremony and sometimes also of the religious one. Although this regime of imposed, multiple celebratory events disappeared in the American and Scottish Episcopal Churches when they changed their marriage canons in 2015 and 2017 respectively, it remains the rule in the Church of England.

The various forms of dissonance that accompany these double same-sex weddings¹ highlight enduring LGBTQ attachment to the British and American tradition of a single wedding ritual that is both religious and legal. Same-sex couples' desire for one wedding

¹ This article will use the term 'wedding' in a loose sense, as it is used by many same-sex couples, to refer to more than just ceremonies that celebrate the entry into state-sanctioned marriage. A wedding may therefore also be the name of a civil partnership ceremony or even of a liturgy to which no legal recognition of the relationship is attached.

– which is striking for this author, who comes from a country in which the norm for all religious couples is to have two weddings – has often given rise to rituals that acknowledge in some way or other the queer chronology of their stories. The resulting time-bending experiences contribute to the unravelling of a rigidly legal Anglican understanding of the marriage rite.

RECENT DEBATES, SOURCES AND METHODOLOGY

A significant number of studies, many of them in the United States, have focused on the celebration of same-sex weddings. Most examine these weddings within a historical context in which no legal recognition of the couple attaches to the ceremony and religious same-sex weddings are not particularly singled out. Consequently there is little discussion of the way in which couples relate to the religious tradition in which they celebrate their union.² Mark Jordan has filled a gap in that respect with his book on blessing same-sex unions, in which, among other things, he studies the religious genealogies of same-sex wedding liturgies in the context of American culture and interprets them through the lens of queer theory.³ Jordan, however, was writing before most of the recent developments giving legal recognition to same-sex unions in the United States. In England, a few scholars have focused on the impossibility or difficulty of religiously registering a civil partnership or solemnizing a marriage for same-sex couples in various denominations.⁴ They have paid attention to the possibility of there being some importation by same-sex couples of religious elements into civil ceremonies⁵ or underlined the legal risks that

² See for instance, Ellen Lewin, *Recognizing Ourselves: Ceremonies of Lesbian and Gay Commitment* (New York, 1999); Kathleen E. Hull, *Same-Sex Marriage: The Cultural Politics of Love and Law* (Cambridge, 2006).

³ Mark D. Jordan, *Blessing Same-Sex Unions: The Perils of Queer Romance and the Confusions of Christian Marriage* (Chicago, IL, 2005), in particular ch. 5, pp. 128–55.

⁴ A useful overview of the legal regulations within which English churches have to operate has been offered by Paul Johnson and Robert M. Vanderbeck, 'Sacred Spaces, Sacred Words: Religion and Same-Sex Marriage in England and Wales', *Journal of Law and Society* 44 (2017), 228–54.

⁵ Peter W. Edge and Dominic Corrywright, 'Including Religion: Reflections on Legal, Religious, and Social Implications of the developing Ceremonial Law of Marriage and Civil Partnership', *Journal of Contemporary Religion* 26 (2011), 19–32. Edge and Corrywright do not, however, document the importation of religious elements into civil ceremonies and call for a systematic ethnographic study that would fill this gap.

liturgical creativity may represent for Church of England celebrants.⁶ This article attempts to study the way in which same-sex weddings relate to both the legal and ecclesiastical contexts in which they take place. By taking into consideration the stories of same-sex couples from different Anglican provinces, I seek to understand better how the legal and ecclesiastical parameters interact with one another locally and shape different kinds of experiences.

The Church of England and the Episcopal Church in the USA are among the first in global Anglicanism to have started a debate on homosexuality in the 1970s, and have been unrivalled in the qualitative and quantitative importance and influence of Anglican resources produced by their members, with or without institutional church support, on homosexuality in general and on same-sex unions in particular, in the form of theological and liturgical writings. Institutionally, however, they differ starkly. The US Episcopal Church has been a pioneer for marriage rights within Anglicanism, whilst the Church of England as an institution has been among the most reluctant provinces in the Anglican global North to move away from a conservative status quo.

The relative ease with which same-sex marriage was adopted in the Scottish Episcopal Church, with a minimum amount of controversy and drama in a comparatively short period of time,⁷ makes it an attractive candidate as a counterpoint to the study of the Church of England and the US Episcopal Church.

There is little scholarship bearing on same-sex commitment ceremonies in Anglicanism and still less that focuses on the interplay between the religious and the legal. In the United States, Heather White's study of the blessing of same-sex unions in the Episcopal diocese of New York and the subsequent threats of prosecution by local civil authorities focuses on the early 1970s.⁸ Baptiste Coulmont has

⁶ Charlotte Smith, 'The Church of England and Same-Sex Marriage: Beyond a Rights-Based Analysis', *Ecclesiastical Law Journal* 21 (2019), 153–78.

⁷ Although the quietly relaxed attitude towards homosexuality that prevailed in the Scottish Episcopal Church gradually found a more public voice and manifestation from the 1980s, there was no institutional discussion of LGBTQ matters at General Synod level until the early 2000s.

⁸ Heather R. White, 'Gay Rites and Religious Rights: New York's first Same-Sex Marriage Controversy', in Kathleen T. Talvacchia, Michael F. Pettinger and Mark Larrimore, eds, *Queer Christianities: Lived Religion in Transgressive Forms* (New York, 2014), 79–90.

written about the religious celebration of civil unions and includes the analysis of an Episcopalian ceremony but does not discuss the denominational context.⁹

In England, a recent article by Silvia Falcetta, Paul Johnson and Robert Vanderbeck studies the experience of same-sex couples marrying in places of worship registered for same-sex marriage in view of the provisions of the Marriage (Same-Sex Couples) Act 2013, which excludes Church of England churches. Their study adopts a similar approach to mine and shares some of the same concerns, but its focus on registered buildings excludes most of the ceremonies intended for Anglican same-sex couples, except the minority who choose to marry in another denomination.¹⁰

A smaller Anglican province like the Scottish Episcopal Church, the second in world Anglicanism, after the US Episcopal Church, to change its marriage canon to include same-sex couples in marriage, has, to my knowledge, attracted no scholarly interest beyond Charlotte Methuen's brief presentation of the theological logic of the 2017 decision.¹¹

By and large, the history of Anglican celebrations of same-sex unions is yet to be written. In this history the relation between the religious and the legal deserves more attention. The creativity displayed by same-sex couples and celebrants in navigating the dissonance between the civil

⁹ Baptiste Coulmont, 'Do the Rite Thing: Religious Civil Unions in Vermont', *Social Compass* 52 (2005), 225–39.

¹⁰ Silvia Falcetta, Paul Johnson and Robert M Vanderbeck, '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', *International Journal of Law, Policy and the Family* 35 (2021) [online journal], at: <<https://doi.org/10.1093/lawfam/ebab003>>, last accessed 13 September 2022. Their 2017 publication on the subject, which examined a large sample of buildings registered for same-sex marriage, estimated that the number of same-sex couples who marry in a different denomination from their own (because it is not allowable there) 'is likely small': Paul Johnson, Robert Vanderbeck, and Silvia Falcetta, 'Religious Marriage of Same-Sex Couples: A Report on Places of Worship in England and Wales registered for the Solemnization of Same-Sex Marriage', *SSRN Electronic Journal* (2017) [online journal], §6.16, at: <<http://dx.doi.org/10.2139/ssrn.3076841>>, last accessed 13 September 2022. My own experience of interviewing committed Anglican same-sex couples leads to the same tentative conclusion. Most would not contemplate marrying in a congregation that is not their own, let alone another denomination.

¹¹ Charlotte Methuen, 'Ehe, gleichgeschlechtliche Partnerschaften und Kirchengemeinschaft: Überlegungen zum anglikanischen Kontext', in Andreas Krebs and Matthias Ring, eds, *Mit dem Segen der Kirche: Die Segnung gleichgeschlechtlicher Partnerschaften in der theologischen Diskussion* (Bonn, 2018), 99–109, at 107–9.

and religious meanings of same-sex weddings is a challenge to the institutional churches' understanding of marriage, inherited from the time when there was a seamless partnership between church and state in the business of marriage. The recognition in civil law of same-sex unions has destroyed this seamlessness and given rise to ritual experiences which call for a different approach to what it is that the church does when it celebrates the union of a couple.

From within British and American culture the institutional church's instinct is to see one single ceremony as the beginning of a marriage, which aligns with the moment in time when the couple are legally recognized as spouses. Any subsequent, non-legal ceremony cannot therefore be termed a wedding. It was this approach that made possible the compromise solution reached by the Church in Wales in 2021; same-sex couples can have their marriage blessed but not solemnized in church. Taking stock of the lack of the required two-thirds majority in its governing body for a change in the doctrine of marriage,¹² the Church in Wales allowed the blessing of civil marriages, apparently considering that these church celebrations would not be actual weddings. No same-sex marriages would thereby be created; the church would merely bless relationships that happen to be part of its life.

The institutional logic which sees the blessing as essentially different from the wedding because, the church insists, it does not change the fabric of reality, is part of the history of the three Anglican churches on which this article focuses. This logic, however, is out of tune with the flexibility with which many same-sex couples experience religious ritual in their marriage histories. In the interstices between religious and legal performance of wedding ceremonies, committed Anglican same-sex couples and their celebrants have found new opportunities to enhance the transformative power of Anglican marriage rituals. For these couples the marriage liturgy is a vital source and resource to give meaning to their individual histories and to change the fabric of reality in ways that the power of law alone cannot. This article therefore identifies an area in which Anglican liturgical performance of marriage acquired new life and significance at the very moment when the diminished partnership

¹² 'Church in Wales issues draft Bill on Same-Sex Blessings', *Church Times*, 18 December 2020, online at: <<https://www.churchtimes.co.uk/articles/2020/18-december/news/uk/church-in-wales-issues-draft-bill-on-same-sex-blessings>>, accessed 18 May 2022.

between church and state over marriage may have led some to believe that this liturgical performance was becoming increasingly irrelevant.

This article is based primarily on forty oral history interviews across all three churches with Anglican same-sex couples and Anglican clergy who have officiated at same-sex ceremonies. Initial respondents were recruited from 2015 through personal contacts or LGBTQ Christian networks. Some of these respondents then provided further introductions to other clergy or same-sex couples. Whereas the stories collected in the Scottish and American Episcopal Churches about multiple same-sex wedding celebrations are firmly situated in the past, however recent, those originating from the Church of England provide material for what is literally a history of the present, as they witness to experiences induced by an institutional church context that has continued unchanged since the 2013 Marriage (Same-Sex Couples) Act.¹³ These oral sources grant an insight into the recent history of same-sex ritual experience which textual sources alone do not.

STRATEGIES TO UNITE THE LEGAL AND THE RELIGIOUS

For the committed Anglican couples I interviewed, as for the clergy who supported them, their union, whether or not it was called marriage, was something in which faith was indissolubly intertwined with their participation in state-defined institutions. The idea of going through two ceremonies in order to fully validate the relationship from a legal as well as a religious point of view was unwelcome for most of them and somehow jarred with their understanding of the unity of life. This was an acute problem for the couples I interviewed in England, where a stark distinction between religious and civil paths to marriage is enshrined in the law of the land.

On both sides of the Atlantic many of the couples and officiants I interviewed had found creative ways of bringing together the legal and the religious. This creativity took different paths according to

¹³ The situation of same-sex couples in the Church of England will be changed by the decision of the House of Bishops, confirmed by General Synod, in February 2023 (while this article was going to press) to authorize 'New prayers to celebrate committed relationships between two people.' These will create a situation for English same-sex couples similar to that in the Church in Wales. See *Living in Love and Faith: A Response from the Bishops of the Church of England* (GS 2289), online at: <<https://www.churchofengland.org/media/29241>>.

the legal and ecclesiastical contexts, evidencing the vastly different, context-related questions raised by the liturgical celebration of same-sex unions from one Anglican province to another. One recurring feature of this creativity was the challenge it represented to a merely legal, rigidly linear understanding of time in those rites of passage that publicly recognize and validate a couple. This creativity highlights what is effected by the religious dimension of such rites of passage. It has the potential to not just create a 'before' and 'after' but also to infuse the 'before' with the transformative quality of the present and sometimes the present with the transformative quality of a hoped-for future.

Many of the stories I collected on both sides of the Atlantic bear witness to the enduring power of the tradition of a single wedding ceremony which is at one and the same time religious and legal. The ingenuity with which English couples smuggled religious elements into their civil ceremonies was equalled by some of the Americans' determination that a ceremony whose purpose was to be purely legal should be celebrated by a member of clergy.

Different strategies were adopted by the couples, depending on the local legal context. The legal impossibility for same-sex couples to register their civil partnership or to get married in the Church of England makes it inevitable that the legal wedding should always be a civil wedding, either at the register office or on approved premises. Church of England same-sex couples who want a religious ceremony must therefore have it separately. This, at least, is the theory. In practice, one observes a great variety of practices which often betray the couple's desire to overcome what they see as an unwelcome, forced separation of the religious and the legal. None of the couples I interviewed saw the ceremony presided over by a registrar as purely civil and in their different ways, they endeavoured to make their subjective experience of the ceremony religious.

One strategy was to circumvent the legal prohibition on the use of religious language or texts into the civil ceremony by introducing religious elements that were not recognized as such by the registrar or whose marginal rewriting was seen to make them acceptable. One male couple, for example, used the marriage vows from the American Book of Common Prayer, from which explicit references to God had been expunged. The two men had tried unsuccessfully to use the vows from the English Book of Common Prayer but, even without any explicit mention of God, the register office had

recognized the text and forbidden it. It did not, however, recognize the American Episcopal version, in spite of its close resemblance to the English version (at least, the official who looked at the text, who may not have been the same person as previously, deemed it acceptable).

Another strategy was adopted by a female couple, Deborah and Sarah,¹⁴ in 2016. They planned their civil wedding in a hotel lounge so that they would have more creative freedom than at the register office. The registrar arrived for the legal ceremony which was devoid of any religious connotations, in line with English law. He left when his part of the ceremony was completed, but it did not end. Now led by one of the couple's friends, it continued with a Bible reading and two traditional hymns. The reading (Ephesians 3: 14–21) was particularly remarkable in that it read like a blessing of the couple, to which the first hymn, in the form of a prayer, was the couple's response of dedication to God. The whole ceremony, civil and religious, was presented as one in the order of service that was distributed to the guests.

Deborah and Sarah did this, even though a liturgical celebration of their marriage in church a few months later had been planned with their parish priest. For the two women, both ceremonies were equally important and in their different ways testified to the unity of the civil and religious dimensions of their marriage.

Sarah: We thought of getting married in a Unitarian church or with the Quakers, but it would have been meaningless because we aren't part of these communities. So in the end we opted for a civil wedding. ... But we wanted God to be present in our civil wedding. I feel we were brought together by God. ... We found our way to God together. We wanted to acknowledge that on our wedding day, even though Deborah's parents and most of our friends are not religious.¹⁵

Although Sarah and Deborah decided against getting married in another denomination, other couples sometimes chose this path.¹⁶ Robin and Patrick, for example, who were committed members of an inclusive Church of England parish, took advantage of their

¹⁴ All first names given without surnames are pseudonyms. Depictions of interviewees' experiences have been checked with them for accuracy prior to submission of this article for publication.

¹⁵ Interview with Sarah and Deborah, October 2019.

¹⁶ Several such stories can be found in Falchetta, Johnson and Vanderbeck, 'Experience of Religious Same-Sex Marriage'.

personal friendship with a Unitarian minister to register their civil partnership religiously in her church in 2012, shortly after the ban on the use of religious buildings for registering civil partnerships was lifted by the Cameron government in November 2011. 'We wanted something in church, but there were so many restrictions. It was too much hassle. We were working on a project at the time and were in touch with a Unitarian minister. She invited us to have a ceremony at her church.'¹⁷ The minister was happy for Robin and Patrick to write their service of commitment themselves and she did not mind the trinitarian language they wanted. The service may not have been strictly Anglican, but it certainly was not Unitarian.¹⁸ It was in fact the expression of Robin and Patrick's theological understanding of their relationship, drawing on, among other resources, liturgies that had been rediscovered from an LGBTQ perspective, such as the rite of *adelphopoiesis* as analysed by John Boswell.¹⁹ Robin underlines that 'the liturgy was almost [their] sermon'.

These English stories testify to the impossibility for the couples I interviewed to conceive of their union in a way that did not give primacy of place to its religious dimension and meaning. The category of civil as distinct from religious did not make any sense. The paradoxical practice, made possible by English law,²⁰ of the *religious* registration of Robin and Patrick's *civil* partnership is telling in that respect. From their own perspectives, the couples engaged in *legal* ceremonies which happened to be labelled *civil* but whose meaning in their eyes was primarily *religious*.

American stories of same-sex ceremonies also exemplified the unwillingness to separate the civil from the religious dimensions of same-sex unions, but the flexibility of American marriage laws also allowed all kinds of conflations between religious and legal which

¹⁷ Interview with Robin, February 2021.

¹⁸ Such flexibility for same-sex couples from another denomination than the one where the marriage is solemnized has been analysed at greater length in Falcetta, Johnson and Vanderbeck, 'Experience of Religious Same-Sex Marriage', 19–22.

¹⁹ John Boswell, *The Marriage of Likeness: Same-Sex Unions in Pre-Modern Europe*, 2nd edn (London, 1996).

²⁰ The possibility of registering civil partnerships in religious buildings also indicates that the state itself does not have a clear understanding of how the civil relates to the religious. For details regarding the legal construct allowing a strictly civil ceremony to take place in a religious registered building, see Johnson and Vanderbeck, 'Sacred Spaces, Sacred Words', 242.

would be impossible in either the Church of England or to a large extent in the Scottish Episcopal Church.

English law defines as one of the legal paths to marriage that which is solemnized ‘according to the rites of the Church of England’.²¹ It is therefore the conformity to the rites and rules of the Church of England that gives an Anglican wedding ceremony its legal weight. The content of the ceremony and its venue are matters that affect the validity of the marriage. In Scotland, the state has no interest in the venue of the wedding ceremony, and for those ‘prescribed’ religious bodies (like the Scottish Episcopal Church) which enjoy an automatic right to solemnize marriages,²² the state has no particular requirements concerning the wording of the marriage service.²³ However, Scots law specifies that ministers of prescribed religious bodies must solemnize marriages ‘in accordance with a form of ceremony recognised by the religious body’ to which they belong.²⁴ There is therefore little leeway in the wording of the authorized nuptial liturgies for individual creativity.²⁵

American marriage laws, on the other hand, allow huge flexibility regarding the wording and venue of a wedding ceremony. Other than the prescribed legal paperwork demanded by the state in which the marriage is registered, legal requirements about what is said and done in the ceremony never go beyond demanding that there should be some declaration of intent by the couple and, in most states, a

²¹ Marriage Act 1949, §5.

²² Marriage (Scotland) Act 1977, §8(1)(a)(ii).

²³ This point was made clear to the Episcopal Church’s Liturgy Committee working on a new marriage service when they enquired of the Scottish civil authorities in 2001, at a time when not even civil partnership existed, whether the complete omission of the mention of ‘husband and wife’ in the new liturgy might endanger the legal validity of a marriage thus celebrated. The answer was a resounding no: ‘Parliament, when drawing up the Marriage (Scotland) Act 1977, dealt with certain religious bodies differently. There are those bodies, such as the Episcopal Church in Scotland, that have an automatic authority to solemnize marriages ... The Registrar General is not involved in the registering of the celebrants and it is up to each religious body to decide what form of marriage ceremony is appropriate for their celebrants to use. The 1977 Act does not stipulate any form of words that have to be used by such bodies’: General Synod Office, Edinburgh, Liturgy Committee Minutes and Documents, e-mail from Kathleen F. O’Donnell on behalf of the General Register Office for Scotland to Elspeth Davey, 22 November 2001, unpaginated.

²⁴ Marriage (Scotland) Act 1977, §14(a). Scottish Episcopal celebrants do sometimes make small alterations to the marriage service but they are understood to be the kinds of changes that the bishop would not object to.

²⁵ National Records of Scotland, ‘Marriage Celebrants: National Records of Scotland Policy on Authorisation’, online at: <<https://www.nrscotland.gov.uk/files//registration/nrs-marriage-authorisation-policy.pdf>>, accessed 12 January 2022.

pronouncement by the officiant. American weddings are the superimposition of a state-sanctioned ceremony, in which the celebrant acts as an agent of the state, on a religious ceremony, whose content and compliance with ecclesiastical rules is of no interest to the state, in which the same celebrant acts as a representative of the church. The religious content of the ceremony therefore depends exclusively on what the individual celebrant is ready to countenance. Consequently, there is considerable freedom when it comes to bringing together the legal and the religious. This can be seen in services tailored to the needs of a particular couple as well as in institutional searching for compromise solutions.

The US Episcopal Church first officially authorized a same-sex commitment liturgy for experimental use in 2012. *The Witnessing and Blessing of a Lifelong Covenant* eschewed marital terminology, as the name of the service indicates. On the face of it, in those states where same-sex marriage was legal, it would have made sense to use it only in order to bless a civil marriage, since the liturgy was not in fact a marriage service. But the general reluctance to separate the civil from the religious allied to the flexibility of American marriage laws led to the frequent use of the 2012 liturgy to solemnize same-sex marriages whenever the bishop allowed it. None of the couples I interviewed who used this liturgy to get married in one single ceremony were in any way troubled by the absence of marital terminology. The fact that it was used to solemnize their legal marriage made the language of covenant equivalent to that of marriage in their eyes.²⁶

It was the officiating clergy who sometimes felt the dissonance most acutely because they were much more aware of the fact that the avoidance of marital terminology had been a concession to a relatively conservative House of Bishops and therefore expressive of a refusal to acknowledge the full interchangeability of the notion of covenant in the liturgy with that of marriage. As one priest in Portland, Oregon told me in 2014, using the 2012 liturgy was bewildering because the civil and ecclesiastical roles of the officiant were slightly at odds with each other. What in weddings of straight couples had always been an invisible, seamless superimposition of a civil ceremony on a religious one had now become a visible superimposition

²⁶ As the story of one couple I interviewed suggests, they were sometimes helped by the officiant who told them ahead of the ceremony that a lifelong covenant could only mean marriage in her eyes.

in which the officiating priest was doing one thing on behalf of the church and something called by a different name on behalf of the state.²⁷ Because of the legal need to make clear that a marriage was being solemnized, the officiant had to add a sentence including marital terminology, while signalling that the sentence in question only took care of the legal, non-religious aspect of the ceremony, as in this Californian example: ‘In as much as N. and N. have exchanged vows of love and fidelity in the presence of God and the church, I now pronounce that they are bound to one another in a holy covenant, as long as they both shall live, and according to the laws of the state of California are married.’²⁸

This dissonance played a part in encouraging progressive clergy to demand the replacement of ‘covenant’ by ‘marriage’ ahead of the 2015 General Convention, which turned the 2012 liturgy into a gender-neutral marriage service. The 2012 rite prophetically declared the equivalence of marriage and lifelong covenant.

TIME-BENDING RITUAL EXPERIENCES

When, however, personal history and diocesan discipline allied to make a single ceremony impossible, the American same-sex couples I interviewed were as resourceful as their English counterparts. They also benefited from the freedom given by the American legal context to create unique ceremonies which could bring together not only the legal and the religious but also the past and present of the couple’s inscription in both state and church.

Joy and Judy had their ‘illegal wedding’, as they call it, in their parish church in Iowa in 1999, ten years before they would make it legal in a second ceremony after the law changed in their state. The two women wanted the 2009 legal ceremony to be religious. The diocesan bishop, however, would not allow the solemnization of a same-sex marriage in church but only the blessing of a civil marriage. They

²⁷ Although not as jarring, the visible superimposition of civil and religious ceremonies was already something that could be observed in some religious civil union ceremonies. Coulmont mentions a homily during an Episcopalian civil union ceremony in Vermont in which the officiant talked of a ‘Holy and Civil Union’: Coulmont, ‘Do the Rite Thing’, 235.

²⁸ Tom Bauer, ‘Tom and Nilo’s Wedding July 4, 2014, Christ Episcopal Church, Sausalito, CA’, 2014, wedding video, 24:57–25:19, online at: <https://www.youtube.com/watch?v=kT0Z_5vJSMQ>, accessed 14 February 2022.

therefore asked their priest to preside over the legal ceremony, assisted by the deacon, in the home of a friend of the couple, using a liturgy that the two women drafted for the occasion. The service started by a reaffirmation of the vows the two women had exchanged ten years earlier without marital terminology in accordance with the bishop's instructions at that time. This reaffirmation of vows was followed by questions by the celebrants and marriage vows borrowed from the New Zealand Prayer Book. The priest then declared them married 'in the presence of God and in this company, by the power vested in me by the State of Iowa' and the licence was signed. Not only did the service unite the religious and the legal, even though a blessing of the 'civil' marriage was planned in the church two days later, but it also harked back to the 1999 ceremony, uniting the two events which had taken place ten years apart. The opening of the service made this very clear:

Ten years ago, Joy and Judy had what they called a Covenant service at ... In every sense but legal this was the beginning of their marriage. Now the State of Iowa has made it possible for them to marry legally; so, in a sense, today, we will be completing the service that happened 10 years ago. It was important to them then, and is important to them now, that these services take place in a context that integrates their faith and their relationship.²⁹

The service therefore legally validated an existing marriage which had been celebrated without marital terminology ten years earlier. From the two women's perspective, the meaning of the two services was therefore one: the 1999 ceremony anticipated what the 2009 service looked back to. The two services were conflated in every possible way: not only were the 1999 vows repeated, but the officiants were the same priest and deacon in both ceremonies and the two Bible readings were intentionally identical. The two women then had their marriage blessed two days later during the ordinary Sunday service, using the liturgy for the blessing of a civil marriage. Although that liturgy explicitly blessed the legal marriage that had occurred the preceding Friday, the subjective conflation of that event with the 1999 service

²⁹ Archives of the Episcopal Church, Digital Archive for General Convention Resolution 2009-C056, Standing Commission on Liturgy and Music, 'The Marriage of N. and N.', 5 June 2009, online at: <https://www.episcopalarchives.org/sites/default/files/sclm-c056/liturgies/099_Liturgy_2009.pdf>, accessed 14 February 2022.

also turned the Sunday service into an echo of the church ceremony that had taken place ten years before. The kind of change effected by the marriage rite in the life of the couple is thus far more complex than dividing their history into before and after a particular moment in time. The religious rite is not constrained by linear time.

A slightly different kind of time-bending experience appears to have taken place in the Scottish Episcopal Church. Between 2007 and 2014 a number of civil partnership celebrations in church, which had to be separate from the legal event, had the peculiar quality of expanding for a hoped-for future the meaning and status of the relationship. A great many Scottish same-sex couples, like many of their English counterparts,³⁰ tended to see civil partnership as marriage in everything but name. Therefore the terminology that was used informally about the ceremony was often that of marriage. However, I would argue that Scottish liturgical resources also had the potential, infinitely more than English liturgies, to impress on a civil partnership all the Christian qualities of a marriage by giving the couple and the wedding party a prophetic view of what the Scottish liturgical understanding of marriage meant for same-sex celebrations.

The 2007 Scottish marriage service contains multiple options to cater for different kinds of couples and the consistent selection of option A allows one to devise a gender-neutral marriage service. This was officially presented at the time as the promotion of gender equality in marriage: option A did not prescribe the order in which the bride and bridegroom would take their vows or answer the celebrant's questions, eschewing the sexist liturgical custom of having the man always speak first. But with civil partnerships coming onto the British political agenda from about 2002, the Scottish liturgy commission drafted the new service in a context in which same-sex couples were inevitably on their minds.³¹ As Greg, a gay priest I

³⁰ Rémy Bethmont, 'Blessing Same-Sex Unions in the Church of England: The Liturgical Challenge of Same-Sex Couples' Demand for Equal Marriage Rites', *Journal of Anglican Studies* 17 (2019), 148–67.

³¹ Indeed, in a recorded interview with a representative of the US Episcopal liturgical commission, the Rev. Ian Paton, who then chaired the Scottish Liturgy Committee, declared that same-sex marriage was evoked quite early on during a residential conference of the liturgy committee before it was 'even on the political horizon': Interview with Ian Paton by Drew Keane on behalf of the Standing Commission on Liturgy and Music of the [US] Episcopal Church, transcript, 2017, 3, online at: <<https://liturgyandmusic.files.wordpress.com/2017/11/interview-with-ian-paton.pdf>>, accessed 14 February 2022).

interviewed, told me: 'Most of the liturgy group members were gay or at least gay friendly. There's no doubt that some of them were thinking about what could happen with the liturgy, that it could be used for same-sex couples.'³² When the adoption of the new marriage service was accompanied by an encouragement to experiment with it and use it for other pastoral occasions, such as a wedding anniversary, a number of LGBTQ and LGBTQ-friendly clergy saw this as licence to use it to bless civil partnerships. All that was needed was to substitute 'partnership' for the word 'marriage'.

The trend towards using the 2007 marriage service to bless civil partnerships was also strengthened by a quietly liberal atmosphere on the issue. Only three years earlier, in 2004, the Scottish College of Bishops had expressed 'the hope that within existing provision, clergy and laity will be able to minister sensitively and pastorally to each other regardless of issues of sexuality or gender'.³³ Unlike the Church of England, there was never any official ban on the blessing of same-sex relationships in the Scottish Episcopal Church.

Greg, who between 2007 and 2014 officiated at about ten same-sex ceremonies after a civil partnership, using the new marriage service, says that people in attendance saw the ceremony as a wedding: 'Relatives of the couple would come to me and say: "It's incredible how much it looks like a wedding! It is a wedding!" It was an epiphany. They suddenly realized that it *was* a wedding.'³⁴ The discrepancy between the legal status of the relationship and the marriage service did not seem to trouble anybody, neither the priest nor the wedding party. On the contrary, in a similar way to what the US Episcopal liturgy of 2012 effected, some couples may have been able to experience the liturgy as prophetic of what they truly were in the eyes of God, if not in the eyes of the law. Greg mentions a Roman Catholic male couple whose civil partnership he blessed in 2007 using the new marriage liturgy. After the Scottish Episcopal Church changed its marriage canon, Greg contacted them and asked whether they wanted 'to do everything again'. But the couple

³² Interview with Greg, July 2018.

³³ Scottish Episcopal Church, College of Bishops, 'A Response from the College of Bishops to Submissions made as a Result of Discussion of the Publication *Human Sexuality: A Study Guide*', Virtue Online, February 2004, at: <<https://ec2-54-88-218-0.compute-1.amazonaws.com/scotland-scottish-episcopal-church-responds-sexuality-issues>>, accessed 14 February 2022.

³⁴ Interview with Greg, July 2018.

answered that they had considered themselves married for ten years. 'They just converted their civil partnership but didn't feel the need to celebrate it.' The Scottish nuptial liturgy, even without marital terminology, had done its job of marrying them.

Similar stories can also be heard in England by couples looking back to their civil partnership ceremony and seeing it as their entry into marriage, but the Scottish use of a nuptial liturgy that did not need adapting to fit same-sex couples sent what was at the time a unique message about gender not being part of the essence of marriage. Since, by and large, the distinction between civil partnership and marriage revolved exclusively around gender, the use of the Scottish marriage service in the blessing of a civil partnership could be heard as a prophetic declaration about the inclusion of same-sex couples in marriage even though back then it was on the institutional agenda of neither state nor church. The capital of sacramental marriage was already being granted to these couples, uniting the present of the celebration with the future time when, one hoped, the church would draw all the relevant conclusions from its developing understanding of marriage.

In the cases I have mentioned, the legal timeline is unambiguous: there is a precise moment in time when the couple starts to enjoy their civil rights as a couple who has entered into a particular state-sanctioned institution. The religious timeline, however, often appears to be no timeline at all. In their subjective experience, many couples conflate separate events that may sometimes lie years apart, as in the case of Joy and Judy in Iowa. Their multiple ceremonies were partly due to the fact that they lived through years of changing possibilities for them as a couple. The religious ceremony on offer for them in 1999 excluded anything legal, while what was available ten years later did not allow the religious ceremony they would have wanted: the solemnization of their legal marriage in their church. But their three ceremonies, the 'illegal marriage', as they call it, the legal marriage and the blessing of their marriage, were united in a sacramental time that was essentially different from legal, linear time. The two 2009 ceremonies did not only change the present (as the first one did legally) but they also transformed the past by functioning as a source of authenticity for marking the 1999 ceremony with the seal of marriage, endowed with all its sacramental and legal capital.

Time-bending is not always part of the experience of those same-sex couples who have several wedding ceremonies. In the case of Sarah

and Deborah in England, it was enough for the two women to give a religious dimension to the civil ceremony. When they had their second ceremony in their local church, they were very clear that the two events were quite separate and they made sure that the church ceremony would not be seen as their actual wedding. In their minds it was nothing other than a church-community celebration of a marriage that had already been contracted and they intentionally did not wear their wedding dresses in church.

Nonetheless, a non-linear relationship to time in same-sex weddings is evident in most of the stories featuring a separate civil and religious ceremony, including in the Church of England. Natalie and Patricia, for example, first married at the register office in a civil ceremony to which only their closest family members were invited. It took place far away from where they lived because they 'wanted to get away from everybody'.

Patricia: We wanted the *church* to be the celebration.

Natalie: In my mind, the church wedding was going to be big. In the end there were eighty people. ... I like the idea of a celebration rather than a blessing, because you can be blessed elsewhere than in church. We felt blessed at the civil ceremony. I had a Bible in my pocket at the register office. It was a way of bringing God into the civil ceremony. ... The church celebration was the fulfilment of all the things I had imagined. We walked down the aisle together after showing a video of the civil ceremony. We wanted people to have a sense of what had happened before.³⁵

The desire to conflate the two events into one is clear enough. One might say that just as the Bible in Natalie's pocket transformed the first wedding – which meant a lot more than a mere bureaucratic formality – into an anticipation of the second, the video in the church ceremony united it with the civil event. There was a single legal point in time when the two women began to be treated as spouses, and by a similar kind of religious time-bending as in Joy and Judy's story the two ceremonies were subjectively made one.

³⁵ Interview, October 2019.

SAME-SEX LITURGICAL EXPERIENCE AND THE REVISION OF ANGLICAN
MARRIAGE RITES

The not-so-uncommon subjective experience of time-bending in same-sex weddings challenges a unidimensional understanding of the chronology of marriage with an objectively identifiable beginning in linear time. Insurance companies or the tax office must of course be able to identify objectively when the couple begins to enjoy spousal rights. However, conferring legal rights is far from being the only thing that couples expect from a wedding,³⁶ especially a religious wedding in which couples want to be blessed in the specificities of their histories, so that new meaning may be injected into their past and new hopes entertained for the future.

The almost universal practice of cohabitation before marriage in the heterosexual population in the last half-century has already presented the church with the question of what it is exactly that a church wedding celebrates. Is it the entry into marriage or the blessing of a marriage which in more ways than one, at least from the subjective perspective of the couple (and sometimes of their families and friends), already exists? Authorized marriage services have struggled to come to terms with this kind of question.

The 2007 Scottish service acknowledges this major shift in the practice of marriage. One of the three possible introductions to the service, presenting the ceremony as one of many ‘cairns at the roadside’ in the couple’s journey, is an invitation, whenever appropriate, to interpret the religious wedding as a decisive moment in a marriage-like relationship that started long before.³⁷ But the same introduction continues in a way that tends to align with legal, linear time and shies away from offering the option of retroactively naming as marriage the months or years of cohabitation: ‘N. and N.’s relationship is a great journey that, in different ways, we have travelled and will continue to travel with them. Today we pause along the way to gather at a decisive and important moment for us all. They are to be married.’³⁸

In the United States, the Standing Commission on Liturgy and Music’s intentional focus on LGBTQ couples when they drafted

³⁶ Kathleen Hull’s work shows this very well about same-sex weddings which took place at a time when there was no state recognition of the couples: see in particular *Same-Sex Marriage*, 26–77.

³⁷ Marriage Liturgy 2007, 2.A.

³⁸ *Ibid.* A more open formulation of the last sentence might have been proposed, such as: ‘They are celebrating their marriage.’

the new inclusive liturgy for marriage in the run-up to the 2015 General Convention challenged the US Episcopal Church to go further than the Scottish Episcopal Church in that respect, indeed further than most authorized marriage services allowed across global Anglicanism, with the exception perhaps of New Zealand.³⁹ The 2015 liturgy offers an introduction to be used specifically by ‘those who have previously made a lifelong commitment to one another’, as the rubric makes clear. However, the draft version of the introduction varies from the text that was eventually adopted by the General Convention. The revised text appears to betray some discomfort with a non-linear understanding of the chronology of marriage, although one may also interpret the revision as resulting from an attempt to make the formulation suitable for those couples who, for various reasons, had had a civil marriage prior to the church ceremony, but who did not want the liturgy of blessing of a civil marriage to be used.⁴⁰

We have come together today with N. N. and N. N.
to witness the sacred vows they make this day
draft version: as they solemnize their marriage / *amended version:* as they are married
[according to the laws of the state or civil jurisdiction of X],
and reaffirm their commitment to one another.
Forsaking all others,
they will renew their covenant of mutual fidelity and steadfast love,
remaining true to one another in heart, body, and mind,
as long as they both shall live.⁴¹

³⁹ The third form of the marriage service in the 1989 New Zealand Prayer Book offers a consistently open formulation that allows the wedding party to understand the ceremony as the celebration of a marriage that is already in existence. However, in contrast to the draft 2015 American liturgy, this option is never explicitly presented as applying to couples who already consider themselves married in some way or other.

⁴⁰ Although in theory marriage services are reserved for the solemnization of marriage, they have also been used in many instances for the church wedding of couples who had legally contracted a marriage in a prior ceremony.

⁴¹ The draft version is to be found in Standing Commission on Liturgy and Music, ‘Reports to the 78th General Convention: Supplemental Materials; Appendices of the Report of the Standing Commission on Liturgy and Music’ (Episcopal Church, 2015), 89, online at: <<https://extranet.generalconvention.org/staff/files/download/13068>>, accessed 14 February 2022; the authorized version can be found in *Liturgical Resources 1: I will bless you and you will be a Blessing*, revised and expanded (New York, 2015), online at: <<https://www.churchpublishing.org/products/liturgicalresources1>>, accessed 14 February 2022.

‘As they solemnize their marriage’ offers the possibility to understand that an existing marriage is now being solemnized. The problem is that the solemnization of marriage is commonly understood to mean a religious ceremony that makes a marriage legal. The revisers of the draft version may have felt that it would not be suitable in those cases where the ceremony is devoid of legal content, as in a number of Episcopal churches outside the United States, in civil jurisdictions where a religious ceremony cannot by law make a marriage legal.⁴² Moreover, there may also have been some resistance to the naming of the existing relationship, prior to the celebration, as a marriage. The idea of celebration, of which the New Zealand Prayer Book makes great use,⁴³ might have easily replaced that of solemnization. In any case, the text that was finally authorized for use creates the same effect as the 2007 Scottish liturgy and implies that a ‘proper’ marriage is what the ceremony inaugurates.

Whatever their timidity, however, Scottish and American engagement with the question of extra-legal marital chronology has created a liturgical environment that is better able to take seriously or reflect the experience of many same-sex couples, especially those who have lived through the years of the LGBTQ marriage rights campaigns. It is also an environment that is probably more in tune with the variety of contemporary histories of marriage in the heterosexual population. By contrast, the absence of any engagement with this kind of question in the latest revisions of the English marriage service is one among several elements that have marginalized same-sex couples in the Church of England and also, perhaps, those straight couples whose subjective interpretation of their histories does not sit well with the legal objectivity of the English liturgy. The specifics of LGBTQ ritual experience may well constitute a significant reference point for Anglican attempts to offer marriage services that speak to contemporary couples, irrespective of their sexual orientation.

⁴² Most of the countries covered by the Convocation of the Episcopal Church in Europe are a case in point.

⁴³ ‘Marriage Liturgy: Third Form’, *A New Zealand Prayer Book*, 1989 (New York, 1997), 790–1.