

# Ep 34: Freedom and fairness in marriage law

<https://www.secularism.org.uk/podcast/2020/09/ep34>

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other religious groups.

0:00:04.000,0:00:08.080

[Emma Park] Hello and welcome to episode 34

of the National Secular Society podcast

0:00:38.640,0:00:42.079

The system of Registry Offices, which would allow for civil non-religious

0:00:08.080,0:00:11.920

hosted by Emma Park.

Marriage is a rite of passage, social

0:00:42.079,0:00:46.719

marriages, was introduced in 1837.

Today marriage law in England and Wales

0:00:11.920,0:00:15.040

spiritual and legal, that for millennia has been a fundamental

0:00:46.719,0:00:50.559

is a maze of rules and exemptions, the application of which depends on the

0:00:15.040,0:00:19.840

part of societies around the world.

In England, ever since Henry VIII broke

0:00:50.559,0:00:54.480

religious affiliations, or lack thereof, of the participants.

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with the Catholic church in the 16th century,

0:00:54.480,0:00:57.980

Same-sex marriage was not even introduced in England and Wales until 2014

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over his desire to get divorced, and

invented the Church of England to help him,

0:00:57.980,0:01:00.800

under the coalition government, and it is

0:00:26.040,0:00:28.240

the legal process of getting married has

0:01:00.800,0:01:05.360

still almost exclusively only permitted in civil non-religious venues.

0:00:28.240,0:00:32.000

been closely intertwined with the

religious ceremony run by the C of E.

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And, as a recent case in the high court demonstrated, marriage ceremonies

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A diverse range of exemptions has

gradually been carved out for Catholics,

0:01:08.960,0:01:12.640

conducted by humanist celebrants are not legally binding at all.

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Jews, Quakers, Muslims and

0:01:12.640,0:01:16.240

So, what is the best solution to this unsatisfactory, old-fashioned and

0:01:16.240,0:01:20.000  
typically English farrago of compromises?  
To answer this question I

0:01:20.000,0:01:23.439  
am now joined by two members of the team  
at the National Secular Society:

0:01:23.439,0:01:29.439  
Stephen Evans, the CEO, and  
Megan Manson, Head of Policy and Research.

0:01:32.159,0:01:36.799  
So, firstly, what are the current laws on  
marriage in England and Wales, Megan?

0:01:36.800,0:01:40.960  
[Megan Manson] Well, they're pretty  
complex.  
The law has been developed in a piecemeal  
way,

0:01:40.960,0:01:45.020  
which now means that we've ended up  
essentially with five different marriage laws,

0:01:45.020,0:01:48.000  
depending on whether the wedding is a

0:01:48.000,0:01:51.520  
Church of England wedding,  
a Jewish wedding, a Quaker wedding,

0:01:51.560,0:01:55.320  
any other type of religious wedding,  
or a civil marriage.

0:01:55.320,0:01:59.040  
So different laws apply depending on,

0:01:59.040,0:02:03.439  
essentially, the religious ethos, or be it  
no religious ethos at all,

0:02:03.439,0:02:08.479  
of the wedding itself. And the other  
strange quirk about the law in England

0:02:08.479,0:02:12.720  
and Wales is that it's all based on the building

0:02:12.720,0:02:16.239  
where the wedding takes place.  
So if you want your

0:02:16.239,0:02:20.480  
wedding to be legal, it has to take place  
in a particular building,

0:02:20.480,0:02:24.400  
unless it's a Jewish or a Quaker wedding,  
which can take place anywhere.

0:02:24.400,0:02:28.879  
[EP] Stephen, what are the NSS's main  
objections

0:02:28.879,0:02:32.160  
to these current laws. Obviously  
they're extremely complicated, but

0:02:32.160,0:02:36.480  
are there any more specific objections?  
[Stephen Evans] Well, as Megan has

0:02:36.480,0:02:38.879  
just explained,  
because of the way the laws developed

0:02:38.879,0:02:43.280  
over time, we have an  
overly complex maze of different rules

0:02:43.280,0:02:46.480  
for different types of ceremonies.  
Both the Church and the State have

0:02:46.480,0:02:50.239  
actually played key roles at different  
times in the history and the evolution

0:02:50.239,0:02:53.599  
of the institution of marriage. And so

0:02:53.599,0:02:57.120

all the time you've got these parallel strands going on, of the secular and the

0:02:57.120,0:02:59.700  
religious side of marriage, and that clearly hasn't gone away.

0:02:59.700,0:03:01.680  
So at the moment there are two routes to marriage,

0:03:01.680,0:03:04.080  
religious and civil.  
So religion and state are very

0:03:04.080,0:03:07.200  
much entwined in our marriage laws.  
And I think that's sets

0:03:07.200,0:03:12.560  
quite an unnecessary complex and restrictive system, that's also unfair.

0:03:12.560,0:03:17.599  
The law, as things stand, leads to unequal treatment of

0:03:17.600,0:03:20.500  
people, depending on their religious outlook or beliefs.

0:03:20.500,0:03:24.959  
And the recent High Court case brought by six humanist couples, actually

0:03:24.959,0:03:28.400  
recognized, the Court recognized the discriminatory nature

0:03:28.400,0:03:32.239  
of the law in terms of humanist weddings not being permitted.

0:03:32.239,0:03:35.920  
So, as Megan touched upon, under the current laws religious marriages have to

0:03:35.920,0:03:39.040

be held in a registered place of worship, civil marriages must take place in

0:03:39.040,0:03:42.400  
approved premises only.  
So couples can't hold their weddings at

0:03:42.400,0:03:46.080  
home or outdoors.  
As Megan said, exceptions exist for

0:03:46.080,0:03:49.680  
Jewish and Quaker marriages, which can take place anywhere, but

0:03:49.680,0:03:53.040  
humanists don't have their ceremonies legally recognized

0:03:53.040,0:03:56.319  
and religious content is banned from civil ceremonies, which means that

0:03:56.320,0:04:01.620  
inter-religious ceremonies aren't really catered for, and couples just don't have the freedom

0:04:01.620,0:04:05.260  
they may want. So really the whole thing's a bit of a mess.

0:04:05.260,0:04:07.519  
[EP] Sure, and it seems very unfair to people who don't

0:04:07.519,0:04:12.159  
have a religious affiliation in particular.  
[SE] Yeah. And on top of that,

0:04:12.159,0:04:16.400  
the complexity of the legal status of religious weddings has also contributed

0:04:16.400,0:04:20.320  
to a rise in couples who have religious marriages which they

0:04:20.320,0:04:23.520

may believe to be legally binding,  
like an Anglican wedding would be,

0:04:23.520,0:04:27.840

but in fact aren't legally binding.  
And this is a particular problem amongst

0:04:27.840,0:04:31.440

some Muslim communities,  
where many marriages have absolutely no

0:04:31.440,0:04:34.000

legal basis, which can leave women  
vulnerable.

0:04:34.000,0:04:37.759

And I'm sure we'll draw down into that  
later. So basically there is a need to

0:04:37.759,0:04:42.160

secularize and simplify  
the archaic laws that we have, which

0:04:42.160,0:04:46.080

really aren't fit for purpose.  
And, as the Law Commission has rightly

0:04:46.080,0:04:49.840

pointed out, in the last two centuries  
England and Wales

0:04:49.840,0:04:52.980

have experienced really profound social  
changes.

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We've become far more  
culturally and religiously diverse.

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We are far more secular and liberal  
in our outlook, and people want to

0:05:00.320,0:05:04.479

celebrate their weddings in varied  
and unique ways. And the law, as

0:05:04.479,0:05:06.880

it stands at the moment,  
doesn't allow for it.

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Much of our existing wedding law  
dates back to 1836,

0:05:10.000,0:05:13.360

and, I think it's fair to say, that what  
may have worked in the 18th

0:05:13.360,0:05:17.120

and 19th centuries doesn't work now.  
So reforms really are

0:05:17.120,0:05:21.520

quite urgently needed.  
[EP] Okay. So that's England and Wales  
specifically.

0:05:21.520,0:05:23.680

How does that compare with the law in

0:05:23.680,0:05:28.680

Scotland at the moment?  
[MM] So the the law in Scotland is a bit  
better.

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In the Scottish system, even though

0:05:30.960,0:05:34.320

you don't quite have separation of  
Church and State, and there are some

0:05:34.320,0:05:38.400

differences between religious  
and non-religious marriages,

0:05:38.400,0:05:42.880

because they're not tied to a building,  
that does give it a much more level

0:05:42.880,0:05:46.960

playing field for people.  
So instead of having the building be what

0:05:46.960,0:05:50.080  
makes a marriage legal or not, it's the

0:05:50.080,0:05:55.440  
person who officiates it that does.  
And because of this, it does lead to a

0:05:55.440,0:06:00.319  
little bit more flexibility  
and equality for all. So this is the sort

0:06:00.319,0:06:04.639  
of model that i think  
we would be looking at.

0:06:04.639,0:06:08.800  
[EP] Okay. Stephen, the Law Commission you  
mentioned has become involved with

0:06:08.800,0:06:12.480  
the issue of sorting out weddings  
in England and Wales.

0:06:12.480,0:06:14.800  
What are its current proposals, and how

0:06:14.800,0:06:18.639  
far does the NSS support them?  
[SE] Well in fact the government asked the

0:06:18.640,0:06:24.020  
Law Commission to conduct a review of  
the law around marriage back in 2014  
originally.

0:06:24.020,0:06:28.240  
The Law Commission's scoping  
paper then identified serious problems

0:06:28.240,0:06:31.360  
highlighting, as I've said earlier,  
that the law has

0:06:31.360,0:06:35.600  
really failed to keep pace with modern  
Britain. But in 2017 the government said

0:06:35.600,0:06:39.919

it wasn't the right time to review  
marriage law. But by 2018 it's changed

0:06:39.919,0:06:42.720  
its mind again, and asked  
the Law Commission to

0:06:42.720,0:06:44.960  
conduct a review, and that's  
where we are now.

0:06:44.960,0:06:48.080  
That work began last year,  
and what we now

0:06:48.080,0:06:52.960  
have from the Law Commission is a set of  
initial proposals, which are very much in

0:06:52.960,0:06:56.639  
line with what we've been suggesting  
throughout the process.

0:06:56.639,0:06:59.840  
So, I think, most importantly, the Commission

0:06:59.840,0:07:05.039  
is proposing a move towards an officiant  
or celebrant based system, rather than a

0:07:05.040,0:07:10.120  
building based system, so very similar to the  
system that operates currently in Scotland.

0:07:10.120,0:07:13.599  
So that means that the focus of  
the regulation would be on the officiant

0:07:13.599,0:07:17.599  
rather than the building. So a valid  
marriage would simply be one where

0:07:17.599,0:07:21.599  
it takes place in the presence  
of one authorized officiant.

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This would mean couples will be able

to marry outdoors,

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on a beach, on the side of a mountain, in the woods, on a cruise ship,

0:07:28.240,0:07:33.360

or even in their own homes. This means wedding ceremonies in all religions

0:07:33.360,0:07:37.199

would more easily be legally recognized under these proposals.

0:07:37.199,0:07:40.639

[EP] Would that also apply to non-religious weddings as well?

0:07:40.639,0:07:44.960

[SE] Yes, absolutely. It certainly could do, because what I really like about these

0:07:44.960,0:07:48.560

proposals is that they would see universal legal

0:07:48.560,0:07:52.879

rules introduced for all weddings. The same rules would apply to everyone.

0:07:52.879,0:07:57.280

The principle of one law for all is a really important principle from

0:07:57.280,0:08:01.840

a secularist perspective. At the moment different rules apply

0:08:01.840,0:08:04.319

to different weddings: Jewish and Quaker weddings, other

0:08:04.319,0:08:08.479

religious weddings, civil weddings - and these proposals would largely sort

0:08:08.479,0:08:11.440

that out. It's quite a permissive

framework that

0:08:11.440,0:08:14.720

could allow for non-religious belief organizations

0:08:14.720,0:08:19.039

and independent celebrants to conduct legally binding weddings.

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Couples would be able to choose the content of their ceremonies. So

0:08:22.640,0:08:27.160

the requirement that some ceremonies include prescribed words would be abolished.

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The officiant's job would primarily be

0:08:29.599,0:08:34.479

to satisfy themselves that both parties entering into the marriage are doing so

0:08:34.479,0:08:38.479

with free and full consent. At the moment religious content is

0:08:38.479,0:08:41.519

banned from civil ceremonies, but under these proposals

0:08:41.519,0:08:45.279

couples would be able to have religious songs, readings, and hymns as part of

0:08:45.279,0:08:48.480

their civil weddings, provided that the ceremony is still

0:08:48.480,0:08:53.360

identifiable as a civil ceremony. So this facilitates interfaith marriages

0:08:53.360,0:08:55.839

which, as I said, aren't really catered for

0:08:55.839,0:09:00.959  
under the existing law. The Commission is also consulting on introducing universal

0:09:00.959,0:09:04.880  
civil preliminaries, so that includes a proposal to abolish

0:09:04.880,0:09:08.160  
the legal effects of anglican preliminaries. This just means that

0:09:08.160,0:09:11.920  
all couples follow the same simple process to give notice of their

0:09:11.920,0:09:15.040  
intention to marry.  
The Commission made it really

0:09:15.040,0:09:18.560  
clear from the outset of this exercise that they wouldn't be

0:09:18.560,0:09:22.320  
considering recommending universal civil marriage,

0:09:22.320,0:09:25.120  
which would be, possibly, the simplest thing to do in

0:09:25.120,0:09:28.560  
many ways. Couples get a civil marriage and then go off and have

0:09:28.560,0:09:32.959  
whatever ceremony they want to celebrate. This is the way they do it in France, but

0:09:32.959,0:09:36.240  
in the UK I think that would mean reducing choice, and it would be a much

0:09:36.240,0:09:38.880  
harder sell.

But, having said that, I do think there's

0:09:38.880,0:09:42.160  
a lot of really good sensible stuff in these proposals

0:09:42.160,0:09:45.839  
that makes the law, or would make the law, fairer and simpler.

0:09:45.839,0:09:49.519  
For me, I see this as a real campaigning

0:09:49.519,0:09:53.600  
success for secularism and the NSS.  
[EP] That's really positive,

0:09:53.600,0:09:58.160  
Stephen. But talking about one of the specific problems that the current

0:09:58.160,0:10:01.680  
system allows, Megan, and one of the areas that's

0:10:01.680,0:10:06.320  
your speciality, is the problems which Muslim women currently may face if they

0:10:06.320,0:10:09.360  
enter these unregistered Islamic marriages,

0:10:09.360,0:10:12.640  
called nikah.

What are the main problems with this

0:10:12.640,0:10:18.800  
type of religious marriage at the moment?  
[MM] Well the main problem is that if a

0:10:18.800,0:10:23.440  
marriage is unregistered and it's not recognized in law, then if

0:10:23.440,0:10:27.600  
the marriage fails and the

0:10:27.600,0:10:32.480  
couple want to "divorce", then

0:10:32.480,0:10:38.240  
there's no access to shared assets, so  
it's the case that, very often it's

0:10:38.240,0:10:41.040  
the wife, doesn't really  
have that protection if

0:10:41.040,0:10:45.279  
the union does end.  
Many of these women

0:10:45.279,0:10:47.760  
don't realize that the marriage is not legally

0:10:47.760,0:10:52.240  
recognized in in UK law.  
That could be because of a lack of

0:10:52.240,0:10:54.959  
English language skills,  
it could be because they've been in

0:10:54.959,0:10:59.279  
quite an insular environment.  
But that's not always the case. Some

0:10:59.279,0:11:03.519  
estimates have said that  
60-80% of Islamic marriages

0:11:03.519,0:11:06.720  
are unregistered, so this does seem  
to quite a big problem.

0:11:06.720,0:11:10.079  
Another issue is regarding  
the sharia councils

0:11:10.080,0:11:15.420  
that oversee these types of unions.  
They tend to be quite sexist,

0:11:15.420,0:11:20.060  
so they tend to take the man's side  
when it comes to mediating disputes.

0:11:20.060,0:11:23.279  
[EP] Are the sharia councils  
composed solely of men?

0:11:23.279,0:11:28.320  
[MM] Yes. And they frequently don't take  
the

0:11:28.320,0:11:32.720  
woman's complaint of domestic violence  
or marital rape seriously.

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And another point to make is that  
it's much harder for women to get

0:11:36.480,0:11:40.480  
an Islamic divorce than it is for a man.  
It's a really simple matter for a man, but for a

0:11:40.480,0:11:44.660  
woman they have to have quite a  
long process, and it is very difficult.

0:11:44.660,0:11:48.480  
So they are unbalanced.

0:11:48.480,0:11:54.060  
[EP] In that case Muslim women could  
potentially be exposed to exploitation,

0:11:54.060,0:11:57.580  
or even possibly destitution,  
if they get involved

0:11:57.580,0:12:00.320  
in an unregistered marriage.  
[MM] That's right.

0:12:00.320,0:12:04.000  
[EP] In that case what are the main solutions  
that have been proposed so far to this

0:12:04.000,0:12:07.200  
particular issue?  
[MM] One of the solutions that has

0:12:07.200,0:12:10.639

been proposed is to give Muslim marriages the same

0:12:10.640,0:12:13.860  
legal recognition as Jewish and Quaker marriages.

0:12:13.860,0:12:17.560  
Now, clearly that's one that we would not support.

0:12:17.560,0:12:21.279  
This would be quite an anti-secularist stance, to say that the law would recognize

0:12:21.279,0:12:25.680  
yet another religious marriage. And also it still wouldn't

0:12:25.680,0:12:28.040  
end the problem of exploitation.

0:12:28.040,0:12:32.959  
I think that would still be an issue. It would also be quite politically unpalatable.

0:12:32.959,0:12:39.040  
We know that in recent cases where judges have been asked to rule on

0:12:39.040,0:12:42.720  
unregistered Islamic unions, that the government has

0:12:42.720,0:12:47.600  
taken the view that they should not be in any way regarded as a legal marriage.

0:12:47.600,0:12:52.079  
So we think so that's just not going to happen. Another proposal that has

0:12:52.079,0:12:56.480  
been relatively popular with some feminist groups,

0:12:56.480,0:13:01.519  
and supported by Civitas as well,

is to make unregistered religious

0:13:01.519,0:13:04.800  
marriages illegal. Say you were going to have a a religious

0:13:04.800,0:13:08.639  
marriage, it would have to be registered beforehand as a civil marriage.

0:13:08.639,0:13:14.320  
Now we see some problems with this. For one thing, we think it would be quite

0:13:14.320,0:13:17.040  
a draconian course of action to take, because it

0:13:17.040,0:13:20.320  
would essentially be the law saying what

0:13:20.320,0:13:25.519  
religious groups can and cannot do. As secularists we're quite

0:13:25.520,0:13:29.840  
wary of any time where the state intervenes on religious practices.

0:13:29.840,0:13:33.680  
If they're causing clear harm, then we're

0:13:33.680,0:13:36.160  
more inclined to support that. But, in the case

0:13:36.160,0:13:40.840  
of an unregistered religious marriage, it doesn't necessarily cause harm.

0:13:40.840,0:13:44.240  
For example there are other religious groups that might choose to have

0:13:44.240,0:13:48.480  
a marriage and not have a legal civil marriage along with that.

0:13:48.480,0:13:51.920  
Pagans are one group, and indeed humanists are another group. They might

0:13:51.920,0:13:54.800  
have a union ceremony of some sort that could

0:13:54.800,0:13:58.720  
be regarded as religious, or analogous to religion, and,

0:13:58.720,0:14:02.480  
even though there's been no evidence that such unions have

0:14:02.480,0:14:06.800  
caused the same problems that Muslim nikah have,

0:14:06.800,0:14:10.320  
they could be captured by this law. The other alternative would be to just

0:14:10.320,0:14:13.519  
single out Muslim marriages, but that would come with its own problems of why

0:14:13.519,0:14:17.839  
are you singling out this religious group and not others. What some

0:14:17.840,0:14:21.720  
academics and other professionals working in this field have said

0:14:21.720,0:14:27.000  
is to simplify the law. So they've looked at why Muslims

0:14:27.000,0:14:30.079  
are not registering their marriages. They've looked at the reasons why:

0:14:30.079,0:14:33.760  
One is that Muslims aren't particularly tied on the idea of buildings being

0:14:33.760,0:14:36.160  
important, so they want to have nikah wherever they like.

0:14:36.160,0:14:39.600  
They don't necessarily want to have it in a mosque

0:14:39.600,0:14:42.880  
that's registered for marriage. And the other thing is that marriage law

0:14:42.880,0:14:47.760  
is very complex. So the solution has been well, why not offer a simplified

0:14:47.760,0:14:50.880  
form of marriage that you can easily get

0:14:50.880,0:14:54.160  
together with a religious marriage? And funnily enough, that's kind of come

0:14:54.160,0:14:57.760  
to the same conclusion that we have, which is just to simplify marriage laws

0:14:57.760,0:15:01.920  
and make it easier for everyone, regardless of religion or belief, to get married.

0:15:01.920,0:15:05.880  
And, of course, around that, I think we do need better education on marriage.

0:15:05.880,0:15:09.580  
I think there are widespread misunderstandings about marriage.

0:15:09.760,0:15:11.600  
It's still the case that many people

0:15:11.600,0:15:14.959  
from all communities think that cohabitation

0:15:14.960,0:15:17.600

results in a common law marriage.  
That's completely not true.

0:15:17.600,0:15:22.600  
Cohabitation does not entitle you  
to any protections that marriage does.

0:15:22.600,0:15:24.399  
Another strategy we would employ would

0:15:24.399,0:15:28.880  
be to tackle the sharia councils as well.  
Many of these sharia councils operate as

0:15:28.880,0:15:32.800  
part of a registered charity,  
but it's quite clear that they don't

0:15:32.800,0:15:36.920  
follow the Equality Act, because  
they're not treating women fairly.

0:15:36.920,0:15:39.279  
So one solution could either be to make

0:15:39.280,0:15:43.400  
sure these sharia councils  
do follow the Equality Act.

0:15:43.400,0:15:45.519  
Another possible path to look down

0:15:45.520,0:15:49.300  
is to whether sharia councils should be  
registered charities at all.

0:15:49.300,0:15:52.560  
Of course, if you're a registered charity  
you get lots of tax benefits.

0:15:52.560,0:15:56.399  
Registered charities should be providing  
a public benefit, and we would argue that

0:15:56.399,0:15:59.680  
sharia councils don't necessarily  
do that, because they

0:15:59.680,0:16:03.759  
make these decisions, when it comes to  
Islamic unions, that are unfair to women,

0:16:03.760,0:16:08.880  
and they create a parallel legal system that  
could  
potentially undermine the law of the land.

0:16:08.880,0:16:12.880  
[EP] Now, Stephen, you briefly touched on  
humanist marriages before,

0:16:12.880,0:16:15.720  
and the legal recognition of humanist  
marriages

0:16:15.720,0:16:19.040  
is something which many of our  
listeners are likely to be concerned with,

0:16:19.040,0:16:22.080  
What is the NSS's position on humanist  
marriages,

0:16:22.080,0:16:25.460  
and what would be the impact of  
the Law Commission's proposals?

0:16:25.460,0:16:28.240  
[SE] At the moment humanist marriages

0:16:28.240,0:16:32.160  
kind of fall between two categories of  
the weddings that we have in law,

0:16:32.160,0:16:35.120  
so religious ceremonies and civil  
ceremonies, they kind of fall between

0:16:35.120,0:16:38.000  
those two stools.  
You can have a humanist wedding

0:16:38.000,0:16:41.519  
ceremony if you want, but that  
won't be recognized in law.

0:16:41.519,0:16:45.440

I think it is reasonable to allow couples to have the chance

0:16:45.440,0:16:49.920

to have the sort of marriage they want recognized by law.

0:16:49.920,0:16:54.860

These proposals would certainly facilitate humanist ceremonies being recognized.

0:16:54.860,0:16:58.860

Of course humanists have been seeking legal recognition of their marriages,

0:16:58.860,0:17:02.880

most recently, as you mentioned, through a High Court challenge,

0:17:02.880,0:17:06.640

but also through a Private Member's Bill. As I understand it, the

0:17:06.640,0:17:10.640

route they've been seeking to go down is to achieve a sort of similar

0:17:10.640,0:17:13.839

legal position for humanists as currently exists for

0:17:13.839,0:17:18.319

Jews and Quakers.

But, for me, legal recognition would be

0:17:18.319,0:17:22.720

best achieved as part of a wider modernization of marriage laws,

0:17:22.720,0:17:26.559

that ensures that all couples have the same freedom to marry how

0:17:26.560,0:17:30.860

they choose, rather than just extending privileges enjoyed by

0:17:30.860,0:17:34.559

Quakers and Jews to humanists.

I think we should make sure that we all

0:17:34.559,0:17:40.400

have the freedom and choice, irrespective of our belief. The problem with this is

0:17:40.400,0:17:44.960

how long it all takes, of course. I'm sure Humanists UK would prefer humanist weddings

0:17:44.960,0:17:48.559

to be given legal recognition right now. Goodness me, they've been waiting

0:17:48.559,0:17:51.039

long enough!

But I do think the Law Commission's

0:17:51.039,0:17:54.799

proposals are the more secular route to go down. I think they're the fairest

0:17:54.799,0:17:57.520

route to go down.

Fairest for everyone, but certainly

0:17:57.520,0:18:02.000

non-religious belief organizations like Humanists UK, and indeed independent

0:18:02.000,0:18:07.080

celebrants, should absolutely be able to perform legally binding weddings.

0:18:07.080,0:18:10.300

I think the Law Commission's proposals do allow for that,

0:18:10.300,0:18:13.640

and I think the government would be very sympathetic to that.

0:18:13.640,0:18:18.000

[EP] Megan, what has the NSS been doing to change the laws in England and Wales?

0:18:18.000,0:18:21.039

Have you been specifically working with the Law Commission?

0:18:21.040,0:18:24.760

[MM] Well, we have been calling for marriage reform for quite a long time.

0:18:24.760,0:18:27.760

We've always wanted to make marriage law more secular,

0:18:27.760,0:18:31.360

and separate religion and state in that institution.

0:18:31.360,0:18:35.200

A few years ago we did a bit of research

0:18:35.200,0:18:39.039

into the venues where you can get married.

0:18:39.039,0:18:42.240

We found that there was a big imbalance there because

0:18:42.240,0:18:48.180

in our research we found that there were over 39,700 places of worship

0:18:48.180,0:18:54.680

registered for marriage, but compared to that there were only 7,400 civil wedding venues.

0:18:54.680,0:18:58.320

So that's a very big imbalance when you consider that

0:18:58.320,0:19:03.280

religious marriage is in decline. It's just been falling year upon year.

0:19:03.280,0:19:07.680

Religious marriages are just not as popular as civil marriage, it seems.

0:19:07.680,0:19:09.560

And then we looked into the process.

0:19:09.560,0:19:12.240

We tried to figure out why is it that there are so many

0:19:12.240,0:19:15.240

places of worship registered marriage and not civil wedding venues?

0:19:15.240,0:19:20.160

And it turns out that for religious wedding venues, it looks like

0:19:20.160,0:19:24.559

it's cheaper to register your place of worship for marriage,

0:19:24.560,0:19:28.780

whereas for civil marriage venues it's quite a lot more expensive.

0:19:28.780,0:19:34.080

And you have to renew that licence, which can be close to £1000 every three years.

0:19:34.080,0:19:38.559

So that makes it a lot more expensive to register a civil premises for marriage.

0:19:38.560,0:19:44.520

One thing i would add is that this in turn has an effect on same-sex marriages

0:19:44.520,0:19:48.400

and makes it more unfair for same-sex couples, because whilst

0:19:48.400,0:19:53.600

all the civil wedding venues have to, by law, host same-sex marriages

0:19:53.600,0:19:56.240

places of worship don't have to.

0:19:56.240,0:20:00.240

They can register to only have opposite sex marriages. We found that there

0:20:00.240,0:20:06.080

were less than 1% of places of worship were actually registered for same-sex marriage.

0:20:06.080,0:20:10.000

So again, there's a massive imbalance here. That's when we started

0:20:10.000,0:20:12.960

figuring out that it was the law emphasizing the role of buildings

0:20:12.960,0:20:18.080

in marriages was part of the problem, and that's when we started coming up

0:20:18.080,0:20:23.080

with this idea of having a more simplified marriage, that didn't depend on buildings,

0:20:23.080,0:20:27.140

and that would in turn lead to a more secularist solution.

0:20:27.140,0:20:30.940

We have been engaging with the Law Commission for some time on this

0:20:30.940,0:20:33.920

We've been saying marriage law needs to be simplified.

0:20:33.920,0:20:36.580

We need to try and have one marriage law for all.

0:20:36.580,0:20:40.080

We need to take off the emphasis of the buildings, and also,

0:20:40.080,0:20:43.919

for civil weddings, it's just not fair that you can't have any religious

0:20:43.919,0:20:48.559

content in there at all.

So that means that you can't have

0:20:48.559,0:20:51.760

a wedding where one person is religious and the other isn't, or

0:20:51.760,0:20:54.559

a wedding where you might just want a prayer in there because you happen to

0:20:54.559,0:20:57.520

like the prayer.

[EP] Yeah. Actually that happened to me.

0:20:57.520,0:21:01.039

I had a secular wedding and I would have quite liked to have a

0:21:01.039,0:21:03.760

hymn or two but no, absolutely not allowed.

[MM] Yeah. That's right.

0:21:03.760,0:21:07.039

The same thing happened to my sister as well. She's not religious at all,

0:21:07.039,0:21:10.720

but she couldn't have a particular prayer that she wanted because it was a

0:21:10.720,0:21:15.160

nice prayer, for the same reason.

So we put all of those suggestions

0:21:15.160,0:21:18.480

before the Law Commission.

0:21:18.480,0:21:21.520

Even though the consultation that they've just released is very long and

0:21:21.520,0:21:25.760

detailed, and so we'll be looking through that fine detail as

0:21:25.760,0:21:28.240

we come up with our response

to that consultation.

0:21:28.240,0:21:31.600

At the moment it does look very much like they have responded to lots of

0:21:31.600,0:21:34.240

things we've said and they've come up with quite a good

0:21:34.240,0:21:37.679

proposal, I think, that would tick a lot of the boxes

0:21:37.679,0:21:41.039

for making marriage law more secular,

0:21:41.040,0:21:46.760

fairer and just better for everyone.

[EP] And more reflective of today's society

0:21:46.760,0:21:50.480

[MM] Yes, definitely.

[EP] So, Stephen, looking ahead, what are the

0:21:50.480,0:21:54.320

next steps in the NSS's campaign?

Do you think we may see the changes you

0:21:54.320,0:21:58.120

would like to see to the marriage laws under the present government?

0:21:58.120,0:22:01.039

[SE] Well, I'm a born optimist.

I kind of have to be to do my job.

0:22:01.039,0:22:04.320

We'll be meeting with the Law Commission again shortly

0:22:04.320,0:22:07.679

to offer our feedback on the proposals. But these are just

0:22:07.679,0:22:13.039

interim proposals for now. The final

recommendations will only be made after

0:22:13.039,0:22:16.080

consultation, and, if we still get the recommendations

0:22:16.080,0:22:18.799

we like when they're in their final form,

0:22:18.799,0:22:21.919

we'll certainly be lobbying the government to legislate. And I do think

0:22:21.919,0:22:24.960

the government needs to get on with this. the law is out of date,

0:22:24.960,0:22:28.700

it's unfit for purpose. It was the government itself that asked

0:22:28.700,0:22:31.540

the Law Commission to look into reforming the law.

0:22:31.540,0:22:35.120

So clearly the government does recognize that a change is necessary,

0:22:35.120,0:22:39.400

and I think it is minded to make the changes, and I think the changes would be very popular.

0:22:39.400,0:22:41.679

I think some Christian groups may be a

0:22:41.679,0:22:44.000

little bit unhappy with them, the way they see

0:22:44.000,0:22:47.120

the institution of marriage, as they see it,

0:22:47.120,0:22:52.159

changing, but, nevertheless I think the proposals will be hugely popular

0:22:52.159,0:22:56.159

with the rest of the public, and I think they could realistically be passed.

0:22:56.160,0:22:59.760

So, yeah, I'm quite optimistic and I would certainly urge everyone listening to

0:22:59.880,0:23:07.900

read through the proposals and respond positively to the consultation.

0:23:10.480,0:23:13.520

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