
From legal rights to EQUAL rights



Legal Marriage and Religious Marriage

Legal marriage confers over 1,000 legal protections, benefits and responsibilities

Legal marriage, or "civil marriage" provides couples with over 1,000 legal protections, benefits and responsibilities, including the legal status of being married. The institution of civil marriage is based on an understanding that the two individuals share a commitment to each other and their family. Only the State can issue a license so a couple can join in civil marriage.

Religious rite of marriage confers ZERO legal protections, benefits and responsibilities

The religious rite of marriage DOES NOT confer any legal rights or responsibilities. It is a rite of passage within a faith tradition, and only couples who meet the requirements of a particular faith tradition can have a religious marriage.

Who can solemnize a civil marriage license?

Under our laws, judges, justices of the peace and clergy people can act as agents of the State, solemnizing a legal marriage and signing marriage certificates. Some people who legally marry to a justice of the peace, with no involvement by a clergy person. Others combine the civil ceremony with a religious ceremony, and a clergy person signs their marriage certificate.

Freedom of Religion

The U.S. Constitution protects freedom of religion

The right to freedom of religion, protected by the First Amendment to the U.S. Constitution, ensures that no clergy person can be forced to perform a marriage, or sign a marriage certificate, against his or her faith, and no faith community can be forced to celebrate a marriage in violation of its religion. As a consequence, many people are legally entitled to marry, but cannot insist that they be married in a particular church, or by a particular clergy person. For example, even though an individual who has divorced, or is marrying outside of his or her faith, has a legal right to marry, some communities of faith will not celebrate such marriages. That's their right.

No religious community will be forced to perform same-sex marriages

Likewise, even after same-sex couples can legally marry, no clergy person can be forced to perform a same-sex marriage against his or her faith, and no religious community can be forced to host that marriage ceremony. Advocates for legal marriage equality are not trying to force any church or faith community to allow them to marry; this debate is about access to legal marriage, regulated by the State, and does not affect the right of each faith community to set its own rules regarding who may marry within that faith community.

Some religious communities and clergy support legal marriage for same-sex couples

Over a hundred clergy in Vermont signed the resolution for marriage equality in 2000, and many religious communities do celebrate and recognize committed same-sex unions. Religious communities that do not celebrate same-sex unions do not have the right to impose their doctrine on those religious communities who do.