

## **Working Title: The Future of Church Marriages in Sweden – or is there any?**

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The first codification of Swedish marriage law, applicable both in towns and the countryside, took place through the 1734 Marriage Code. Through this Code a religious wedding ceremony, conducted by a priest within the Church of Sweden, became obligatory for a marriage to be legally valid. Both religious and practical reasons were given in support. The inhabitants of Sweden were with few exceptions born into the Church of Sweden, the country's Protestant State Church. The Church being represented all over the country, everyone had access to its services. The form requirement also brought legal clarity concerning whether a man and a woman living together were married to each other or not.

Successively, during the course of the 19<sup>th</sup> century, a civil marriage ceremony was acknowledged as a legally equivalent alternative, i.a., to enable a member of the Church of Sweden to marry a person of Mosaic faith. Since 1908, Sweden follows a double-track system. It is up to the couple to be married to choose between a religious and a civil wedding ceremony. Both constitute, according to the law, a civil marriage with full legal effects. A clear majority of all marriages annually celebrated in Sweden are celebrated in a religious form. Alongside with the Church of Sweden – separated from the State only since 2000 – numerous other religious communities (Muslim, Mosaic, Roman Catholic, Greek Orthodox, etc.) have been authorized by the State to officiate marriage ceremonies.

My Paper aims to illustrate that Sweden's double-track system has an important multicultural and pluralistic dimension. It is one of the very few areas of family law where a person's religious affinity is recognized, the law being otherwise based on the general principle of state neutrality on religious issues. The system's continued existence is under debate, due to a proposal to permit same-sex couples to enter into marriage but without obliging religious communities to marry same-sex couples. Conflicting demands are now on the legislator's table: 1) Making a civil marriage ceremony obligatory and reducing religious ceremonies into a voluntary addition without legal effects; 2) Making the religious communities' continued right to officiate marriage ceremonies dependent on equal treatment to same-sex couples; 3) Restricting access to marriage to opposite-sex couples only. These issues have caused anxiety and division within, in particular, the Church of Sweden. Can the Church retain its credibility if it will be willing to marry only opposite-sex couples? If, on the other hand, people can no longer marry within the Church, will they at all care for the rites of the Church? The Swedish development shows that access to registered partnership, with the same legal effects as marriage, in combination with access to a religious blessing, is not the alternative.