



## Civil partnerships and the repurposing of relationship formalisation: from creating a space to developing a script

Andy Hayward

**To cite this article:** Andy Hayward (19 May 2025): Civil partnerships and the repurposing of relationship formalisation: from creating a space to developing a script, Journal of Social Welfare and Family Law, DOI: [10.1080/09649069.2025.2499385](https://doi.org/10.1080/09649069.2025.2499385)

**To link to this article:** <https://doi.org/10.1080/09649069.2025.2499385>



© 2025 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.



Published online: 19 May 2025.



[Submit your article to this journal](#)



[View related articles](#)



[View Crossmark data](#)

# Civil partnerships and the repurposing of relationship formalisation: from creating a space to developing a script

Andy Hayward 

Durham Law School, Durham University, UK

## ABSTRACT

Originally intended and conceptualised as an institution exclusively available to same-sex couples, civil partnerships have been revised, repurposed and reimagined following the regime's recent extension to mixed-sex couples. The belief that civil partnerships are devoid of the negative connotations associated with marriage or lack a social script undoubtedly fuelled this process. Many might see this change as a victory for equality and inclusivity, but the process of reform exposes problematic revisionism and generates fundamental questions about the significance and purpose of relationship formalisation. This article confronts such questions through discerning three stages in the evolution of civil partnerships with them characterised as a means of obtaining legal protection, a form of protest and, more recently, as a status offering the potential of personalisation. This article argues that while the absence of social script might suggest scope for innovation, creativity and the disruption of marital norms, such claims should be approached cautiously.

## KEYWORDS

Civil partnerships; marriage; formalisation; mixed-sex couples; Same-sex couples; relationships; LGBT+ couples

## Introduction

Over the centuries marriage has undergone multiple revisions aimed at bringing that institution more in line with modern social practices. How, when, where, and with whom we can marry have all been modified. In stark contrast, the more recent introduction of civil partnerships through the Civil Partnership Act 2004 has seen that status introduced and reformed in the comparatively short period of just 20 years. The degree of change is no less dramatic with civil partnerships in England and Wales evolving from an institution exclusively available to same-sex couples in 2005 to one accessible by mixed-sex couples in 2019. It is not just legal frameworks that have changed but also couples' ideologies and perceptions. After all, a relationship status is not devoid of deep personal significance; it resonates with the individuals entering them and speaks to how they wish to be perceived by the wider community.

One feature that has propelled this evolution of civil partnerships is the perceived absence of a 'social script'. This dimension has been emphasised repeatedly by both same- and mixed-sex couples as an important and, for some, defining feature of civil

**CONTACT** Andy Hayward  [a.p.hayward@durham.ac.uk](mailto:a.p.hayward@durham.ac.uk)

© 2025 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author(s) or with their consent.

partnerships. It has also been deployed as a means of distinguishing that status from marriage. In a study by Jowett and Peel (2017), p. 76), respondents in same-sex civil partnerships welcomed the ‘sense of freedom of being in a CP’, along with the absence of ‘societal baggage’ and ‘expectations’. Indeed, Steinfeld and Keidan (2019), the litigants that challenged the exclusion of mixed-sex couples from the Civil Partnership Act 2004, conceptualise civil partnerships as:

‘... a blank slate on which people can inscribe their own hopes and dreams. There is no social script to follow and no fixed expectations of what you should or shouldn’t do’.

In this article I interrogate this suggested absence of a social script and how that narrative has been used to repurpose and reinterpret pre-existing understandings of civil partnerships. I will illustrate how that perceived absence has provided the space for couple innovation, transformation and even resistance. While this perception is beneficial in allowing couples to challenge norms and ceremonial rites associated with marriage, it can equally be viewed in a more negative way. The ‘open texture’ of civil partnership generates multiple contradictory meanings, encourages revisionism as to the foundational purpose of the regime and fuels misunderstandings as to the precise nature of the institution itself. The availability of civil partnerships as a seemingly distinct alternative to marriage has also hampered reform efforts to provide greater legal protections to cohabiting couples (see Hayward 2019b).

The contradictory nature of civil partnerships has long been acknowledged in the academic literature (Rolfe and Peel 2011), but this article goes further by tracing how that has been expressed over the short lifespan of the Civil Partnership Act 2004 and, more importantly, explores how this inconsistency may be perceived differently by same- and mixed-sex couples. It does so by identifying three stages of the evolution of civil partnerships that will be termed protection, protest and personalisation. Drawing upon more recent empirical and interdisciplinary studies, the final section critiques the emergence of a new ideology of civil partnership and offers reflections on the future of this status in England and Wales.

## **The introduction of civil partnerships and the creation of a legal space**

Much has been written on the origins and motivations behind the introduction of civil partnerships (Barker and Monk 2015, Hayward 2017). For present purposes, this section traces diverse perspectives and voices that formed over the course of their evolution that help us discern their intrinsic nature. By critiquing these different stages – as protection, protest and personalisation – it seeks to uncover how far the perceived absence of a social script has been used and, to some extent, manipulated to influence and achieve legal change.

### **Securing legal protections**

The period preceding the Civil Partnership Act 2004 up until the Marriage (Same Sex Couples) Act 2013 saw policymakers and parliamentarians place great emphasis on the need to afford greater legal protections to same-sex couples. While piecemeal legal protections did already exist prior to the Civil Partnership Act 2004 coming

into force, they failed to confer a status upon same-sex couples or meaningfully combat any economic vulnerability that may arise upon relationship breakdown and death. The consultation document outlining the Government's original vision for civil partnerships noted how same-sex couples were denied the ability to visit their partner in hospital or attend their funeral. It stressed the analogous sense of grief and loss a same-sex partner experienced when their partner died and the stark observation that, from a legal perspective, 'same-sex relationships simply do not exist' (Department of Trade and Industry 2003, p. 9). Same-sex couples faced 'many difficult issues as they seek to organise their lives together' especially as they had to take deliberate steps to protect their legal interests that were more costly and complex than simply registering their relationship (Hansard HL Deb., 22 April 2004, Baroness Scotland).

What is noticeable here is the language used and the characterisation of this proposed status. Unlike the much bolder claims we see subsequently about the innovative potential of civil partnerships, supportive Members of Parliament highlighted their more limited nature and focus on protection. Civil partnerships were, in the words of Baroness Scotland, a 'measured and proportionate response' to the unavailability of same-sex marriage and premised on offering meaningful protections to a marginalised group (Hansard HL Deb., 22 April 2004). Adopting this approach was politically astute. Increasing protections at that time was undoubtedly controversial given the opposition of the Church and concerns surrounding devaluing the institution of marriage (Christian Institute 2002). Thus, to present this as a protective measure might better inoculate the Civil Partnership bill from claims that it directly challenged the privileging of marriage.

It is, of course, true that reform even when billed as protective would have further and more far-reaching benefits. By conferring a legal status on same-sex couples, public visibility would be enhanced and, in turn, greater acceptance of same-sex relationships (Nielsen 1990, Søland 1998, Mitchell *et al.* 2009, Hayward 2022). These were arguments canvassed in the academic literature at the time. Calhoun (2000) and Goodwin and Butler (2009) observed how greater public acceptance of LGBT+ couples was created through conferring protections and Kitzinger and Wilkinson (2004) revealed how legal reform offered mental health benefits to same-sex partners.

One aspect that shut down claims as to the 'radical' potential of civil partnerships was the limiting of the regime to same-sex couples only. Prior to the Civil Partnership bill being introduced into Parliament, two Private Members bills were produced both seeking same- and mixed-sex civil partnerships (see Hayward 2019b). While there was considerable support in Parliament for both bills, the mixed-sex dimension was later dropped because such couples were in a position that was 'significantly different from that of same-sex couples who wish to formalise their relationships but currently are unable to do so' (Department of Trade and Industry 2003). The acknowledgement that mixed-sex couples could enter a civil marriage was influential in limiting the focus and this 'can marry' argument later assumes greater significance when the ban on mixed-sex civil partnerships is challenged in the courts (*Steinfeld and Keidan* 2016). Similarly, these debates saw MPs question whether civil partnerships should extend to siblings or home-sharers, which again was dropped with the Government noting it was a 'separate issue' and that there were 'no plans for changes to the law in that area' (Department of Trade and Industry 2003).

This more limited focus, whilst understandable from a political perspective, did generate academic criticism of the regime in terms of its vision and ambition. Thus, in contrast to the belief held by some that the Civil Partnership Act 2004 was ‘a radical piece of social legislation’ (Harper *et al.* 2005, p. 5), Stychin (2006), p. 79) saw that Act as ‘a victory for the politics of compromise’ rather than ‘an achievement of the legal imagination’. More troublingly, as Glennon (2005), p. 163) noted, attempts to de-centralise conjugality and de-sex civil partnerships were often underpinned by ulterior motives and, at times, were ‘little more than homophobic responses to the demands for legal development’.

### *Embedding legal protections through functional equivalence*

In contrast to regimes operating in France and Belgium that conferred fewer rights than those available to spouses (Francoz-Terminal 2017, Willems 2017), the UK civil partnership was ‘marriage in all but name’ (*Wilkinson v Kitzinger*, at [88] per Potter P). It confers strong status-based legal protections rather than offering a more contractual pact or union that can be personalised by the parties. That question certainly generated energetic debates during the passage of the bill with some members nevertheless conceptualising civil partnership as a type of contract. This characterisation was rejected by Baroness Scotland who noted registration was status-based and generated between the couple ‘an entirely new legal relationship’ (Hansard HL Deb., 24 June 2004). Semantics aside, that observation reiterated direct equivalence between civil partnership and marriage, with media depiction of the provisions reinforcing that point. In an editorial comment published in *The Times* newspaper the similarities between civil partnership and marriage were stressed along with how the regime was to incentivise and fiscally reward long-term committed relationships akin to marriage. Equivalence with spouses worked both ways too, with the commentator noting that ‘Gay couples will not enter lightly into civil partnerships, for their dissolution will be as complicated and painful as divorce’ (*The Times* 2004).

The choice of a marriage-like institution is arguably the most controversial aspect during this period, and it creates confusion as to both the inherent nature and emerging ‘social script’ of civil partnerships. For same-sex couples wanting legal recognition, the lived experience of many couples was to conceptualise civil partnership as effectively marriage. Research by Heaphy (2015) revealed that, while civil partners could not use the labels ‘husband’ and ‘wife’ on official documents, couples frequently deployed that language to refer to one another. Similarly, Jowett and Peel’s research (2019) exploring same-sex marriage proposals indicated that couples that later converted their civil partnership to a marriage, once that ability was made available in 2014, often emulated practices associated with traditional marriage proposals and viewed their relationship as indistinguishable from marriage or marriage-like from its inception.

Couple practices evidence an emulation of marital norms. Rather than the modern position espoused by the Equal Civil Partnerships campaign that views civil partnerships as standing in opposition to marriage, we see a gravitation towards marriage and the mimicking of traditions associated with marriage. For example, subsequent legal amendments to the regime relating to pension entitlements can be conceptualised as ensuring civil partnerships are even more closely aligned to marriage (*Walker v Innospec Limited and others* 2017). Likewise, the model adopted by that Act of

enumerating all of the rights and responsibilities that civil partners will obtain evidences ‘the desire to bring about as much equality as possible with marriage’ (Harper *et al.* 2005, p. 35). These findings are further supported by Rolfe and Peel (2011), p. 320) who in their early study noted how mainstream media representations saw civil partnerships being ‘framed – positively – within a liberal discourse, and subsumed within a traditional heteronormative construction of marriage’. Those sentiments align with the judicial perspectives, as seen by Waite LJ in *Fitzpatrick v Sterling Housing Association* noting how ‘no distinction’ could have been discerned between the same-sex couple in that case and spouses ‘in terms of love, nurturing, fidelity, durability, emotional and economic independence’ (*Fitzpatrick v Sterling Housing Association* 1997, p. 1022). After the Civil Partnership Act 2004 was introduced that approach towards functional equivalence was further emphasised in *Ghaidan v Goden-Mendoza* (*Ghaidan v Godin-Mendoza* 2004).

In contrast to the generally positive media discourse on civil partnership, research undertaken during this period characterised same-sex couple perspectives on civil partnerships as ‘mixed’, ‘ambivalent’ and, at times, ‘highly paradoxical’ (Rolfe and Peel 2011, p. 321). There were campaigners who opposed civil partnerships on the basis that the UK should have introduced marriage equality from the beginning, with Peter Tatchell arguing that creation of a separate civil partnership regime was ‘a form of legal apartheid’ (Tatchell 2005). As same-sex marriage was a politically remote option at the time and was expressly ruled out in the Government’s preparatory work in 2003 (Department of Trade and Industry 2003, p. 13), selecting a separate regime was to be expected but is certainly not without criticism. That criticism often gave way to pragmatism with some same-sex couples questioning their exclusion from marriage but recognising that civil partnerships were a stepping stone towards ultimately achieving that goal (see Hayward 2020). This perspective can be seen in Rolfe and Peel’s study (2011, p. 322) where respondents prefixed any criticism of civil partnership with an initial observation as to ‘progress’ and the status being a step in the right direction. This ‘playing the long game’ strategy has often worked with civil or registered partnerships being a common precursor to the subsequent introduction of marriage in many countries (see Waaldijk 2005, Hayward 2022).

At this point, we also see the fanfare associated with the introduction of civil partnerships challenged by academics and same-sex couples themselves on a variety of different fronts. Some viewed them as a ‘consolation prize’ or a ‘painful compromise between genuine equality and no rights at all’ (Wilkinson and Kitzinger 2006, p. 54). Similarly, by positioning civil partnerships as part of a process towards achieving same-sex marriage, generally conceptualised as ‘the final stop for “full equality” for lesbians and gay men’ (Barker 2012, p. 2), others saw that relationship hierarchies were being created (Auchmuty 2004, Maine 2021). An alternative critique focussed on the gravitation towards marriage and how far same-sex couples would resultantly assimilate to heteronormative practices and institutions associated with their mixed-sex counterparts (Harding). That fear can be seen in the emphasis placed in the Government’s preparatory work on relationship formalisation being synonymous with stability and social acceptability and, in turn, that ‘strong and stable families provide the best basis for raising children and for building strong and stable communities’ (Department of Trade and Industry 2003, p. 69). Related concerns are how a pursuit of equality for a marginalised

group often treated such groups as ‘discrete, bounded classes with shared interests, identities and concerns’ (Cooper 2001, p. 76).

During this period characterised by ensuring legal protections for same-sex couples, any distinctive qualities of civil partnerships are arguably downplayed. This is despite the somewhat problematic messaging from the Government that civil partnerships were completely different from marriage and the disingenuous use of the ‘separate but equal’ leitmotif used to justify that position. This downplaying could be attributed to a desire by some same-sex couples to be both viewed and treated in the same way as mixed-sex couples. This perspective aligns with Heaphy et al’s research (Heaphy *et al.* 2013) on same-sex couple aspirations to create ‘ordinary coupledness’. But equally it is arguable that the ‘distinctiveness’ of civil partnerships was never there in the first place and, as Mallender and Rayson (2005), p. 3) note, ‘while proponents of the legislation assiduously avoided the phrase, something very like “gay marriage” ha[d] been created by this Act’.

From a legal perspective civil partnership is a replication, at times word for word, of civil marriage albeit with slightly more focus on the act of registration than the saying of vows. And while the CPA is a lengthy piece of legislation, hinting at originality, the model for reform was to insert the words ‘or civil partner’ after any reference to a spouse. Indeed, it is hard to find the distinctive nature of civil partnership. So, despite Cretney’s observation (Cretney 2006) that the Civil Partnership Act 2004 does not define or clarify the nature of civil partnerships thereby suggesting the potential for differentiation, that void is filled when we look at the inspiration and operation of the framework where the parallels with marriage are abundantly clear.

### *Civil partnerships as protest*

The period preceding the introduction of same-sex marriage in 2014 up until the introduction of mixed-sex civil partnerships in December 2019 reveals a shift in how civil partnerships are conceptualised and presented in the media. Again, it is arguable that the open-textured nature of civil partnership permitted this reappraisal and helped generate resistance to the institution of marriage. Proponents began to see civil partnerships no longer as replications of marriage but instead as distinct and potential alternatives.

A central component of LGBT+ activism was to brand civil partnerships as inferior. Drawing upon arguments identified above as to civil partnership being a consolation prize, campaigners drew heavily upon the language of inequality (see Fenwick and Hayward 2018). For example, Maria Miller MP, then Minister for Women and Equalities, argued that ‘Parliament should value people equally in the law, and enabling same-sex couples to marry removes the current differentiation and distinction’ (Hansard HC Deb., 5 February 2013). Similarly, Yvette Cooper MP premised her support for reform in those terms stating that same-sex marriage was ‘the next step for equality’ (Hansard HC Deb., 5 February 2013).

Crucially for this article, the Equal Civil Marriage consultation and final report expose ambivalent perspectives towards civil partnerships and the attainment of equality (Government Equalities Office 2012). Receiving the largest number of responses to a public consultation, there was considerable support for the retention of civil partnerships. Interestingly, 61% of respondents favoured extension of civil partnerships to



mixed-sex couples (HM Government 2012, para 5.7). Campaigners for civil partnership reform emphasised this particular statistic but arguably in an unnuanced manner failing to acknowledge that opponents to same-sex marriage favoured civil partnership (see Browne and Nash 2015). Indeed, the considerable amount of support is likely to have been driven by religious opposition to same-sex marriage.

This myopic stance is then replicated in the Parliamentary debates, where there is a general reluctance to engage with the clearly pressing question of the future of civil partnerships. Rather the priority is securing same-sex marriage at all costs. Section 15 of the Marriage (Same Sex Couples) Act 2013 mandated a public consultation on the future of civil partnerships, which produced results that somewhat conflicted with the Equal Civil Marriage Report's conclusion of strong support for civil partnerships. More importantly, this report conducted by the Department for Culture, Media and Sport in 2014 reinforced the findings of earlier empirical studies noting the ambivalent stance of couples towards civil partnership (DCMS 2014a). One interesting observation was the Report's conclusion that '[a]lmost no respondents mentioned benefits other than in terms of advancing equality if civil partnerships were opened up to opposite sex couples' (DCMS 2014a, para 2.30). This is particularly striking as it suggests the normative basis for mixed-sex civil partnerships had not yet been determined. It was simply a matter of equality.

After the introduction of same-sex marriage, we see a more coherent agitation for reform and, more importantly, efforts to shape the content of mixed-sex civil partnerships. Here we have progressed from the creation of a legal space and instead we see attempts to create a script. The establishment of the campaign group, Equal Civil Partnerships, and the *Steinfeld* litigation begin to flesh out an identity for mixed-sex civil partnerships (Steinfeld 2018). Crucially a strong dichotomy is created whereby civil partnerships are differentiated from marriage, with the latter possessing patriarchal, heteronormative and sexist elements that cumulatively create 'baggage' that is not replicated with civil partnerships (Hern 2018, Campbell 2021, Hayward 2024). Other claims are advanced as to civil partnerships being secular, more administrative in nature and potentially cheaper than marriage.

Regarding the previous period discussed above, mixed-sex couples did promote the argument that reform would offer legal protections but arguably the campaign went much further. Civil partnership was sought over cohabitation protections that may have achieved similar results because it tapped into concerns regarding identity, desire for recognition and a belief that meritorious couples were rendered invisible by the law (Loat 2018, Hayward 2019b). Whether these claims can be realised has been questioned extensively in the academic literature (Miles and Probert 2019, Hayward 2019b). The fact that these claims are so multi-faceted and far reaching suggests that they could be 'too good to be true'. What is of particular significance for this analysis, however, is the fact that the open-textured nature of civil partnerships allowed for these perspectives to be 'read in' or imputed to this status.

Another factor that may have facilitated this exercise is the fact that the Supreme Court ruling in *Steinfeld* did not need to engage with these normative claims. While Andrews J in the High Court touched on some of the substantive claims underpinning why a mixed-sex couple might choose a civil partnership over marriage, the Court of Appeal and Supreme Court decisions approached this



issue purely from a human rights and equality perspective (Hayward 2019a). This approach is understandable given the nature of the litigation and the legal question that needed to be answered by the courts, but it prevented those normative claims from being ventilated and, more importantly, potentially challenged. It is arguable that the dominant equality-based discourse may have also influenced couple perceptions too. Equality shifts from being the cornerstone of the litigant's human rights claim under Article 14 of the ECHR to instead being an integral quality that typifies a mixed-sex civil partnership.

The lobbying of Equal Civil Partnerships during this period and the associated press coverage are significant for several reasons. First, the quest for finding and then articulating the reasons why mixed-sex civil partnerships should be introduced indicates repurposing and questionable revisionism of the status. Civil partnerships that were previously conceptualised as a carbon copy of marriage are now considered an alternative status for those critical of marriage. An emphasis is placed on distinctiveness to justify their continuing purpose and ensure political support for reform. This revisionism resulted in changes to the legal content of civil partnerships too. While historically courts would not 'look at the nature of the sexual relationship' of the parties (Hansard HL Deb., 17 November 2004), a new statutory *pater est* presumption is created in 2019 following amendment to the Legitimacy Act 1976 whereby the male civil partner is presumed to be the father of any child born to the relationship. In one sense, this can be viewed as a natural and inevitable consequence of bringing a new cohort of couples within a pre-existing statutory framework. But equally it shows a repurposing of a status made possible by its amorphous nature.

Second, the visibility of the *Steinfeld* litigation fuelled a politicisation of civil partnerships. It is, of course, true that there is always a political dimension to any family law reform, as we see with the discourse surrounding the Conservative party introducing same-sex marriage (Gilbert 2018). But this dimension was arguably even more pronounced here. Evidence for this can be found in certain media coverage criticising the *Steinfeld* couple for bringing a claim. One journalist termed their campaign a 'non-existent grievance' (Utley 2014) while another questioned whether they were a 'gimcrack substitute that has no place in our history' (Glover 2019).

Third, this politicisation arguably drew greater attention to the legal position of mixed-sex couples at the expense of same-sex couples. Academics have long acknowledged how the mainstream media can marginalise and erase LGBT+ voices (Jowett and Peel 2010). This certainly was the case with same-sex perspectives on reform being strikingly absent from the reform conversation. Moreover, LGBT+ groups like Stonewall were relatively late in adopting and publicising a clear position on what they believed to be the future of civil partnerships. This explains why some same-sex couples felt marginalised in the campaign for reform and that alongside some support expressed among same-sex couples for extension of the regime to mixed-sex couples, there was also fierce opposition (Silas 2018). In the study by Jowett and Peel (2017), p. 75), a respondent found the concept of mixed-sex civil partnerships 'pretty disgusting' and that the campaign for their introduction failed to appreciate how same-sex couples 'have had to fight long and hard as a community to be thrown "scraps"'.

### *Personalisation and authenticity*

The first registrations of mixed-sex civil partnerships in England and Wales took place on New Year's Eve 2019 and on that day 171 were celebrated (Office for National Statistics 2020). From that point onwards the dominant narrative in the media coverage and available empirical studies is personalisation. Mixed-sex civil partners were using the newly created legal space to sculpt individualised ceremonial rites and express personal meaning for their relationship. Rarely does this practice involve a complete departure from all traditions associated with marriage or the traditional wedding ceremony. Instead, there appears to be a more collaborative negotiation between civil partners aimed at excising problematic traditions such as the father 'giving away' the bride while retaining practices that speak to the occasion itself and provide social legitimation.

From the outset it should be acknowledged that a degree of personalisation was present before 2019. Same-sex couples modified and personalised practices to ensure aspects of the ceremony or the wedding proposal itself were more in line with their wishes and worldviews (Jowett and Peel 2019). This often, but not always, involved alignment with marriage norms and the replication of traditions. Edge and Corrywright (2011), for example, noted the insertion of religious aspects into ceremonies, despite the lack of provision at that time for religious, same-sex weddings. What I argue differentiates the post 2019 landscape from these earlier practices is the much stronger expression of civil partnership as something distinct from marriage. Marriage remains the 'inevitable frame of reference' (Hayfield *et al.* 2024, 1937), but more concerted efforts are made to do things differently. Drawing upon the available insights on mixed-sex couple perceptions and practices, personalisation can be identified in two areas namely ceremonial rites and the forging of a group identity for 'equal civil partners'.

### *Reimagining and repurposing ceremonial rites*

Arguably one of the most distinctive features visible in the modern discourse is how far couples sought to differentiate their registration from a traditional marriage. Glimpses into these practices can be gleaned from the extensive newspaper coverage of the first registrations and interviews with couples. Unsurprisingly and again capitalising on the belief that civil partnerships were a 'blank canvas', there is considerable variation in practices, but some key themes do emerge.

Many mixed-sex civil partners emphasised the size of their ceremonies noting how they wanted to keep them relatively small and attended only by close family and friends (Hayfield *et al.* 2024, pp. 1937–38). This dimension is not that surprising and maps onto similar trends in marriage towards more private and intimate ceremonies as opposed to larger weddings. It also is a development that needs to be highly contextualised given the effect of the COVID-19 pandemic that either paused civil partnership registrations or alternatively permitted them but with smaller numbers of guests to observe social distancing rules. Leaving aside the impact of the pandemic, couples embraced what they perceived to be the simplicity of a civil partnership registration. One couple noted '[t]he ceremony was simple and heartfelt – it lasted less than 10 minutes, with no music, no rings, and no fuss' (Civil Partnerships 2024b). Another remarked 'we enjoyed the relaxed "feel" of the day, no wedding stiffness or stigma' (Civil Partnerships 2024a).

By jettisoning many of the trappings of marriage, civil partnership registrations were promoted as something that is cheaper than a wedding. Cost-saving strategies included the reduction in the number of guests, forgoing a traditional reception and rejecting the wearing of more formal or 'traditional' wedding attire. Couples spoke to the media about rejecting the 'meringue dress' in favour of opting for more personal, relaxed clothing. Similarly, some couples decided against the giving of rings or, alternatively, wearing the rings on different fingers (Howard 2020). One couple, who registered before the pandemic and thus not in a context necessitated by lockdown restrictions, stated that 'Celebrations were held with two very good friends as witnesses and fish and chips afterwards!' (Civil Partnerships 2024c). Cumulatively this suggests a resistance to consumerism and 'cultural commercial expectations' (Carter and Hayfield 2023, p. 5). A study by Hayfield *et al.* (2024) provided further revealing insights into these emerging practices noting how they evidenced bricolage, a process developed by Carter and Duncan (2017, 2018) and applied to weddings. There was a dynamic borrowing and, at times, subsequent rejection of ceremonial practices readily associated with marriage. For Hayfield *et al.* this was a complex navigation of personalising the occasion while, for some couples, seeking to maintain its solemnity.

What is significant for this article is the emerging construction of a social script, despite the assertion that one did not exist for civil partnership. Couples were clearly referencing marriage practices and to an extent this was to be expected. For couples that announced their civil partnerships via the Equal Civil Partnerships social media account, the majority of registrations took place in register offices and this created an inevitable echoing of civil marriage ceremonies that routinely take place in such venues. As one respondent to the Hayfield study (2024, 1938) noted, entry into the venue was 'inescapable' so there was a natural 'walking down the aisle'. Thus some parallels with marriage and weddings were unavoidable.

It should not be forgotten that married couples have long engaged in bricolage when constructing their own weddings. As Miles and Probert (2019) argue much of the paraphernalia of marriage is not mandatory and has, over time, been repurposed or rejected by couples. And more recently, research by Blake *et al.* (2024), p. 838) exploring independent celebrant-led wedding ceremonies has shown how by 'translating, tweaking and innovating ceremonial elements', couples were able to highlight and give expression to 'what is important in each partner's lived experience'. However, what is most striking in the context of equal civil partnerships is how far this negotiation is explicitly encouraged as a necessary aspect of the relationship and then publicly articulated and expressed by the couples themselves. Deploying the idea of civil partnerships representing a 'blank canvas' has arguably facilitated this questioning and has resulted, at times, in couples subsequently disrupting marriage norms. But, in addition, the high-profile agitation for reform and period of protest that preceded mixed-sex civil partnerships arguably created a group of more activist couples and campaigners that spearhead an ideology of 'equal' civil partnership.

### *Ideology and the forging of couple identity*

One of the most distinctive features in the personalisation of civil partnerships has been couple ideology. This involves both creating a public understanding of why civil partnerships were being sought over marriage or even cohabitation alongside the creation of a

group or cohort of individuals that have registered. The Equal Civil Partnerships campaign played, and continues to play, an important role in this regard. Developed originally with a view to lobbying for changes in the law, the group was skilled in strategising reform efforts and, more importantly, has shifted its efforts post 2019 to create a community of equal civil partners. It has done this by assisting couples wishing to register by publicising calls for witnesses and through its media engagement and social media activity. Couples using social media have explained their own motivations behind registration using the #ADateToCelebrate hashtag and, more recently, #ADateToCelebrate5 to commemorate and celebrate the first five years of registrations.

Activism and campaigning have long played a critical role in the quest to increase visibility of LGBT+ issues and much has been written on the strategising of such organisations in the campaign for same-sex marriage (Behrens and Becker 2022). What is noticeable with equal civil partnerships is how this activism came relatively late. Around the time that same-sex civil partnerships were being discussed there was no high-profile campaign group for mixed-sex couples. The closest to this type of group was the Equal Love Campaign that brought an unsuccessful human rights challenge to the absence of same-sex marriage and mixed-sex civil partnerships present at that time.

It is thus largely attributable to the *Steinfeld* litigation and associated Parliamentary debates that such strategising begins to gain momentum and become more visible. During this time of protest, we begin to see the ideological dimension being made more explicit. Protest does not feature as prominently today considering the 2019 reform and instead much of the discussion today relates to forging a couple identity among what can be termed the champion cohort. This is noticeable in much of the social media coverage where couples posted about their civil partnership often identifying themselves as legal trailblazers. This cohort promoted the fact they were ‘making history’ and thanked the *Steinfeld* couple for making that happen or proclaimed they were the first couple in their area to register (Civil Partnerships 2024c). Here there is, again, a palpable sense that these registrations were much more than satisfying a need for legal protection.

### Civil partnerships today: from creating a space to developing a script

The aforementioned stages of the evolution of civil partnerships evidence a movement from creating a legal regime to developing an identity and script. This process reveals ambiguity as to the inherent nature of civil partnerships and how far they replicate or reject marital norms and traditions. As Carter and Hayfield note (2023, p. 2), the later introduction of mixed-sex civil partnerships pushed this process even further and generated much bigger questions as to the ‘sociology of coupledness’. In particular, they asked whether mixed-sex civil partnerships had the potential to ‘capture the queering and fluidity of contemporary family life’ or alternatively represented ‘another conservative attempt to contain difference?’ (p. 2).

When answering this question, a preliminary observation is to acknowledge the limits of law. While legal change helped to secure access to an institution, the advent of ‘equal’ civil partnerships in 2019 means that there is little left for the law to achieve. Conversations can, and should, continue as to whether civil partnerships should be extended even further to embrace non-conjugal relationships and siblings, as has been the argued by proponents. For example, Lord Lexden introduced into the House of Lords

on 3 July 2017 the Civil Partnership Act (2004) (Amendment) (Sibling Couples) Bill seeking to allow two siblings to become civil partners subject to certain conditions being satisfied. However, this proposal failed to progress. But for sexual, dyadic relationships the law reform process is complete. To borrow Barker's analogy with marriage, the 'structures' and 'consequences' of civil partnership are now readily identifiable and settled but the 'ideology' of that institution, like that of marriage, is today's focus (Barker 2012, p. 22).

Thinking about this process as creation of a script may be of assistance here and has featured in sociological research in this field. In Jowett and Peel's study of same-sex marriage and civil partnership proposals they noted how the marriage proposal is 'a highly scripted, gendered and heteronormative relationship ritual' (Jowett and Peel 2019, p. 325). The process is one replete with gendered expectations, imagery and, at times, involves publicity of an intended union to others. While the institution of marriage has changed and its boundaries shifted especially owing to the diminishing influence of the Church, there remains, without a doubt, a well-understood cultural script to marriage that guides participants.

In contrast, much of the literature relating to same-sex relationships, especially prior to the advent of formal legal recognition, stresses the absence of a social script and the need to create one. The work of Clarke *et al.* (2013), for example, tells us how same-sex couples had to navigate this absence of a script and examples of this endeavour include the increased role played by 'chosen' families in ceremonies and a desire to emphasise their support for relationships, sometimes over and above, genetically-related family members (Smart 2007). Similarly, NeJaime's research (NeJaime 2012) drawing upon US findings reveals how the introduction of same-sex marriage had the effect of replacing and overriding the pre-existing dynamic practices of same-sex couples in relation to 'commitment ceremonies' and personalised celebrations of same-sex partnerships.

What is most illuminating about these observations for this article is how non-recognition or even marriage-like recognition stimulated same-sex couple innovation and creativity. This resonates with Jowett and Peel's conclusion that 'alternative scripts are brought about by the absence of a clear set of rules about what is normative among same-gender couples' (Jowett and Peel 2019, p. 335). While innovation was certainly present among same-sex couples, it is arguable that this belief in the absence of a script was deployed in the campaign for mixed-sex civil partnership very effectively. Although the absence can be disputed both at a theoretical level and in terms of couple practices given the emulation of heterosexual marriage traditions, a belief in freedom, personalisation and authentic expression is certainly attractive to couples. Indeed, it is indisputable that the perceived freshness of civil partnerships motivated couples to register.

The potential for civil partnerships to disrupt is certainly not a new idea. Cooper (2001), writing prior to the Civil Partnership Act 2004 identified various strategies allowing the incorporation of lesbian and gay relationships within existing relationship structures. One strategy noted was alliances with 'radical heterosexuals' where 'progressive heterosexuals might evacuate their own proper, and largely privileged, place to enter the satellite, subordinate space of lesbian and gay and other relationships outside marriage' (Cooper 2001, p. 91). Crucially, for Cooper, 'it is in the strategies, tactics and choices of activists, policy-makers and citizens, in the way in which the institutionalisation of new relationships is pursued, operationalised and lived out, that more radical

forms of equality are facilitated, pre-figured or closed down' (Cooper 2001, p. 96). Given the relative infancy of civil partnerships when compared with marriage, it is still too soon to gauge whether Cooper's prediction has been realised. While there has been a degree of dynamism as to ceremonial rites, the uptake of mixed-sex civil partnerships shows a relatively limited appetite among couples wishing to formalise. In 2022, for example, 6,879 civil partnerships were registered with 5,760 to mixed-sex couples (amounting to 83.7%) and 1,119 to same-sex couples (16.5%). Thus, the popularity of 'equal' civil partnerships and their potential transformation into a different type of institution might need time to become apparent.

Cultural traditions surrounding the registration of civil partnerships will need time to mature too (Palazzo and Kornet 2023). Evidence from other jurisdictions has revealed that civil partnerships sometimes are perceived in a more administrative light than marriages. In the Netherlands, for example, weddings normally take place on Fridays over the spring and summer whereas registered partnerships are sought generally on Mondays and throughout the year (Statistics Netherlands 2023). Similarly, this distinction drawn between 'celebration' associated more closely with weddings versus 'registration' undertaken in the context of partnerships can be seen in France (Rault 2019). Time is thus needed to gauge whether these patterns will be emulated in England and Wales.

### The dangers of a script?

The perceived absence of a blueprint for civil partnerships has motivated some couples to register as is clear from the limited empirical studies available. While that perception can be viewed as positive, the opaque nature of civil partnerships can potentially generate misunderstandings among couples. This perhaps is understandable for several reasons. First, we must acknowledge that many spouses do not fully understand the nature of marriage or the legal entitlements that flow from it so to expect a newfound clarity among civil partners is unrealistic (Auchmuty 2016). Second, empirical research on couple perceptions of civil partnerships has long emphasised couples possessing a set of meanings and attachments to their status that were 'muddled and complex' (Carter and Hayfield 2023, p. 14). And, third, the contradictory and antinomic nature of civil partnership itself lends itself to confusion. Without diagnosing a problem, Heaphy, for example, saw this reflexivity in his research whereby 'partners could be critically reflexive about marriage as a heterosexual institution' and, at the same time, 'conceptually distinguish this from everyday relational practices' (Heaphy 2018, p. 639). Again, the Carter and Hayfield study (2023, p. 5) saw similar evidence of this apparent inconsistency: 'For a few, a CP was just like marriage but had some small element that suited them better. For others, CP was fundamentally different to marriage, almost its opposite'.

These multiple and, at times, conflicting perceptions in one sense render civil partnerships attractive through differentiation but they do pose some risks. They may prompt couples to attach meanings to a status that cannot be realised in law. For example, parliamentary debates in 2019 saw Members of Parliament suggest civil partnerships provided a 'lighter' form of commitment where couples can 'effectively grant each other greater rights' (Hansard HC Deb., 15 March 2019, per Kevin Hollinrake MP). Echoing the earlier parliamentary debates preceding the 2004 Act, there is a revival here of the idea that a civil partnership was a contract where you can pick and choose entitlements.



Further confusion can be seen too. Kevin Foster MP conceptualised civil partnership as ‘an option for people who want to have a legal relationship but not necessarily a religious one’ (Hansard HC Deb., 15 March 2019), which fails to appreciate that civil partnerships could be registered on religious premises since December 2011. As Miles and Probert warn (2019, p. 315) there is now ‘a danger that some couples might enter civil partnership as a new, “different” relationship without appreciating that they are – in legal substance – effectively marrying’.

More troubling is the interaction of civil partnership with cohabitation, an area known for dangerous levels of public misunderstanding of the law given the prevalence of the myth of ‘common law marriage’. Observations were made that civil partnerships were ‘registered cohabitation’ (Hansard HC Deb., 13 January 2017) and couples would become ‘statute law partner[s] rather than common law partner[s]’ (Hansard HC Deb., 15 March 2019). Anecdotally, legal practitioners have attested to some clients believing that the mere act of cohabitation renders a couple ‘common law civil partners’. These are troubling misunderstandings that, like the common law marriage myth, generate serious consequences.

Another consideration in the development of a script for civil partners is the level of engagement with the status and the types of individuals that might choose to register. A crucial factor emphasised in recent studies is the extent to which ‘equal’ civil partners sought to align their status with their own worldview. Carter and Hayfield, for example, saw civil partners seeking to develop a ‘morally meaningful context’ underpinning their decision to register (2023, p. 13). In particular, participants in their study viewed their decision to register as an expression of their firm commitment to liberal notions of feminism and support for LGBT+ rights. Interestingly, we see here a juxtaposition between the public and private that has long been a key consideration in relationship formalisation. Indeed, as Blake et al. note, we may be seeing ‘a move away from institutional-based relationships to internally referential private relationships’ (Blake and Janssens 2021, p. 406). This clear public desire for acknowledgement and signalling of their political outlook stands in contrast to endeavours by some couples to personalise and thus render authentic their expression of commitment. This approach can arguably be explained by the protest stage in development of civil partnerships and the considerable emphasis placed on equality, whether in the legal sense of non-discrimination or in the looser common meaning of the word (Jowett and Peel 2017, Fenwick and Hayward 2018).

In connecting equal civil partnerships to these loftier ideals and explicitly articulating that fact publicly, there is a risk of alienation of certain couples. Put differently, registered partnerships might resonate with a particular type of couple or demographic. For example, the French *pacte civil de solidarité* is generally entered into by relatively affluent, middle-class and university-educated couples (Scherpe and Hayward 2017b, p. 5). Thus, we should be alert to a potential development of civil partnerships in England and Wales in directions that might be counterproductive. Indeed, rather than confront and challenge socio-economic disparities of couples by promoting inclusivity and diversity of relationship choice, civil partnerships could reinforce them. That concern is a live issue given the previous Government’s positioning of civil partnership, and formalisation more generally, as a ‘solution’ to the lack of legal protections for cohabiting couples, who as a group are less likely to fall

within the aforementioned more privileged demographic. Moreover, this construction of ‘equal’ civil partnership may also expose fault lines in how same- and mixed-sex couples view the institution too. For example, the promotion of *equal* civil partnerships and mixed-sex couples justifying their decision to register as a manifestation of their commitment to equality, might evidence a failure to appreciate continuing *inequality*. The religious exemptions or so-called ‘quadruple lock’ created to ensure certain religious groups are not forced to celebrate same-sex weddings against their wishes are a prime example of this embedded inequality within a proclaimed equality measure (Falcetta *et al.* 2021). And even within the LGBT+ community itself there are longstanding divisions and different lived experiences that need to be accounted for (Dima 2024).

One final concern relates to the perceived conceptual purity of equal civil partnerships and how far these ideological goals can be realised. As has been noted, claims that civil partnership was selected over marriage because of egalitarian concerns feature prominently in the limited empirical studies. Jowett and Peel’s research on marriage proposals show how that concern was expressed through the couple’s proposal itself, with it ‘functioning to communicate something about their relationship to the wider world’ (Jowett and Peel 2019, p. 335). Where such proposal was jointly negotiated as opposed to one that replicated marital traditions, they considered the explanation given by the couple as:

performatively resisting heteronormativity and designed to construct their relationship as one based in equality ... In other words, participants may construct accounts to portray their relationships as normal or egalitarian rather than these accounts reflecting these qualities in their relationship. (Jowett and Peel 2019, p. 335)

Extending this further than same-sex marriage proposals, similar concerns exist in the context of equal civil partnerships where it can be questioned whether such commitment to equality translates into practice. Further empirical research is required here to interrogate the division of labour or the sharing of domestic tasks and childcare within these relationships to determine whether gender norms and power imbalances associated with marriage are, in fact, replicated (see Hayward 2021). One early indication suggesting egalitarianism in practice is the use of joint versus sole applications for dissolution under the new Divorce, Dissolution and Separation Act 2020 that came into force in April 2022. In that year, 28.8% of same-sex divorces were by joint application in comparison to 61.1% of same-sex civil partnership dissolutions (Office for National Statistics 2024). These statistics do not include mixed-sex civil partnership dissolutions yet owing to their very recent introduction. Cumulatively, these very early developments underline the pressing need for future empirical studies comprised of couples that were not from the current ‘champion cohort’ that actively campaigned for legal change but from those that selected that particular status from a decontextualised menu of relationship options.

## Conclusions

Relationship statuses are by their very nature protean and subject to societal reappraisal. What the experience of civil partnership reform in England and Wales reveals is how in a short period of time we have seen a reconfiguration of a regime affording

both same- and mixed-sex couples greater choice in how they wish to express their relationship publicly. More importantly, over the space of twenty years, we have fast-tracked important conversations as to the public and personal values embedded within coupledness and why a specific type of formalisation might be chosen over another. This movement from creation of a space to development of a script for civil partnerships, however, reveals the role of law in this area going forward is increasingly limited as most of the legal questions, especially for same-sex couples, have now been resolved (Gilmore *et al.* 2023, p. 105).

This development is not one that should necessarily be applauded. By tracing the journey of civil partnerships through periods characterised by protection, protest and personalisation, this article has demonstrated how reform frequently involved compromise, concessions, revisionism and even the entrenching of *inequality* despite bold claims to the contrary. It should not be forgotten, as Wiseman (2018) reminds us, that same-sex civil partnerships can be viewed as ‘still smoky with the stench of its history as a consolation prize to gay couples’ while the driving force for the later campaign for mixed-sex couple access was a Supreme Court finding of a human rights violation.

Despite these concerns, I argue that this unique evolution has had incidental and unexpected benefits. The experience of other countries reveals that the desire to institutionalise same-sex relationships inevitably creates ambiguity as to the ultimate relationship form created. In the words of Waaldijk, is it marriage, quasi-marriage, semi-marriage or something else? (Waaldijk 2005). Civil partnership suffers from that same ambiguity but importantly for England and Wales that questioning has been a much more public conversation. The publicity of the *Steinfeld* litigation and the campaign for reform may have forced couples to identify and articulate perceived distinctions in relationship forms and, as Heaphy (2018), p. 638 notes, created a more apparent legal consciousness regarding ‘legalised forms of discrimination’ (see Harding 2008). Thus, out of a period characterised by protest comes greater choice and, in turn, more concerted and perhaps reflective couple engagement with the motivations behind formalisation.

I consider that this development has also been fuelled by the ambiguity and opacity of civil partnership and the repeated assertion by campaigners, echoed by couples, that they were a ‘blank canvas’ (Wright and Scott 2018) or a ‘tabular rasa to be filled with meanings’ that aligned with couples’ desires (Hayfield *et al.* 2024, 1936). Given the process of bricolage with marriage traditions demonstrated and attested to by couples who have registered civil partnerships, it is questionable whether they are, in fact, free of baggage or neutral in their meaning. Questioning a relationship’s proximity to marriage has always remained a constant feature throughout the twenty-year evolution of civil partnerships. Civil partnerships may very well develop a legacy of their own. Nevertheless, the *perception* that civil partnerships are conceptually pure, or at least have a claim to be, is powerful because it has stimulated innovation both in terms of ceremonial rites and how couples wished to be perceived by the wider community.

Greater choice as to status means that the inevitability of marriage as a cultural or societal expectation no longer applies so strongly to same- and mixed-sex couples. But predicting the future will be a difficult exercise. Longitudinal studies are needed to gauge whether the repurposing of the regime has impacted how same-sex couples presently view civil partnership. More importantly, such studies must centre same-sex voices and their lived experiences of civil partnership to contextualise and offset the more recent focus on mixed-sex couples.

## Acknowledgments

The author would like to thank Peter Dunne, Flora Renz, Alex Maine and the anonymous reviewers for their insightful feedback on an earlier version of this paper. All errors remain my own.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## ORCID

Andy Hayward  <http://orcid.org/0000-0002-4468-9028>

## References

- Auchmuty, R., 2004. Same-sex marriage revived: Feminist critique and legal strategy. *Feminism & Psychology*, 14 (1), 101–126. doi:[10.1177/0959353504040307](https://doi.org/10.1177/0959353504040307).
- Auchmuty, R., 2016. The limits of marriage protection in property allocation when a relationship ends. *Child and Family Law Quarterly*, 28 (4), 303–324.
- Barker, N., 2012. *Not the marrying kind: a feminist critique of same-sex marriage*. Basingstoke: Palgrave Macmillan.
- Barker, N. and Monk, D., 2015. From civil partnership to same-sex marriage: a decade in British legal history. In: N. Barker and D. Monk, eds. *From civil partnership to same-sex marriage: interdisciplinary reflections*. Abingdon: Routledge, 1–26.
- Behrens, P. and Becker, S., 2022. *Justice after Stonewall: LGBT Life between challenge and change*. London: Routledge.
- Blake, S., et al., 2024. Independent celebrant-led wedding ceremonies: translating, tweaking, and innovating traditions. *Sociological Research Online*, 29 (4), 825–841. doi:[10.1177/13607804231211443](https://doi.org/10.1177/13607804231211443).
- Blake, S. and Janssens, A., 2021. Conscious coupling: loss of public promises of a life-long bond? An exploration of authenticity and autonomy in commitment processes across contemporary long-term relationship forms. *Families, Relationships and Societies*, 10 (3), 395–412. doi:[10.1332/204674321X16135119773142](https://doi.org/10.1332/204674321X16135119773142).
- Browne, K. and Nash, C., 2015. Opposing same-sex marriage by supporting civil partnerships: resistance to LGBT equalities. In: N. Barker and D. Monk, eds. *From civil partnership to same-sex marriage: interdisciplinary reflections*. Abingdon: Routledge, 61–78.
- Calhoun, C., 2000. *Feminism, family and the politics of the closet: lesbian and gay displacement*. Oxford: Oxford University Press.
- Campbell, A., 2021. Civil partnership – why Alastair Campbell and Fiona Millar tied the knot. *The Observer*. [Accessed 4 Apr 2021].
- Carter, J. and Duncan, S., 2017. Wedding paradoxes: individualized conformity and the ‘perfect day’. *The Sociological Review*, 65 (1), 3–20. doi:[10.1111/1467-954X.12366](https://doi.org/10.1111/1467-954X.12366).
- Carter, J. and Duncan, S., 2018. *Reinventing couples: tradition, agency and bricolage*. London: Palgrave Macmillan.
- Carter, J. and Hayfield, N., 2023. Mixed-sex civil partnerships: developing a morality of love. *Families, Relationships and Societies* doi: [10.1332/204674321X16886294054314](https://doi.org/10.1332/204674321X16886294054314). [Accessed 8 Mar 2025].
- Christian Institute, 2002. *Counterfeit marriage: how civil partnerships devalue the currency of marriage*. Newcastle upon Tyne: Christian Institute.
- Civil Partnerships, 2024a. [X (formerly Twitter)]. 11 December. Available from: <https://x.com/EqualCPs/status/1866786126175797644>. [Accessed 8 Mar 2025].

- Civil Partnerships, 2024b. [X (formerly Twitter)]. 11 December. Available from: <https://x.com/EqualCPs/status/186678911412974019>. [Accessed 8 Mar 2025].
- Civil Partnerships, 2024c. [X (formerly Twitter)]. 12 December. Available from: <https://x.com/EqualCPs/status/1867132220193829189>. [Accessed 8 Mar 2025].
- Clarke, V., Burgoyne, C., and Burns, M., 2013. Unscripted and improvised: public and private celebrations of same-sex relationships. *Journal of GLBT Family Studies*, 9 (4), 393–418. doi:10.1080/1550428X.2013.808494.
- Cooper, D., 2001. Like counting stars? Re-structuring equality and the socio-legal space of same-sex marriage. In: R. Wintemute and M. Andenaes, eds. *Legal recognition of same-sex partnerships: a study of national, European and International Law*. Oxford: Hart, 75–98.
- Cretney, S., 2006. *Same sex relationships: from 'odious crime' to 'gay marriage'*. Oxford: Oxford University Press.
- Department for Culture, Media and Sport, 2014a. *Civil partnership review (England and Wales) – report on conclusions*. Available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/324174/Civil\\_Partnership\\_Review\\_Report\\_PDF.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324174/Civil_Partnership_Review_Report_PDF.pdf). [Accessed 8 Mar 2025].
- Department for Culture, Media and Sport, 2014b. *Civil partnership review (England and Wales): a consultation*. Available from: [https://assets.publishing.service.gov.uk/media/5a7c6ef4ed915d696ccfcbf4/140122\\_CP\\_con\\_doc\\_pdf\\_docx.pdf](https://assets.publishing.service.gov.uk/media/5a7c6ef4ed915d696ccfcbf4/140122_CP_con_doc_pdf_docx.pdf). [Accessed 8 Mar 2025].
- Department of Trade and Industry, 2003. *Civil partnership: a framework for the legal recognition of same-sex couples* (London: Department for Trade and Industry).
- Dima, R., 2024. Hysterical lesbians and respectable gays. Lesbian anonymity in mainstream LGBT + and grassroots activism. *Journal of Lesbian Studies*, 1–20. doi:10.1080/10894160.2024.2381854.
- Edge, P. and Corrywright, D., 2011. Including religion: reflections on legal, religious, and social implications of the developing ceremonial law of marriage and civil partnership. *Journal of Contemporary Religion*, 26 (1), 19–32. doi:10.1080/13537903.2011.539838.
- Equal Love Campaign, Available from: <https://www.equallyours.org.uk/equal-love-campaign/>.
- Falchetta, S., Johnson, P., and Vanderbeck, R.M., 2021. 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 (1), 1–27. doi:10.1093/lawfam/ebab003.
- Fenwick, H. and Hayward, A., 2018. From same-sex marriage to equal civil partnerships: on a path towards “perfecting” equality? *Child and Family Law Quarterly*, 30 (2), 97–120.
- Fitzpatrick v Sterling Housing Association*, 1997. 4 all ER 991.
- Francoz-Terminal, L., 2017. Registered partnerships in France. In: J. Scherpe and A. Hayward, eds. *The future of registered partnerships: family recognition beyond marriage?* Cambridge: Intersentia, 153–184.
- Ghaidan v Godin-Mendoza*, 2004. UKHL 30.
- Gilbert, A., 2018. *British conservatism and the legal regulation of intimate relationships*. Oxford: Hart Publishing.
- Gilmore, S., et al., 2023. Reflections on future directions in family law. *Child and Family Law Quarterly*, 35 (2), 99–113.
- Glennon, L., 2005. Displacing the “conjugal family” in legal policy: a progressive move? *Child and Family Law Quarterly*, 17 (2), 141–163.
- Glover, S., 2019. I welcome this ‘marriage-lite’, but civil partnerships are no substitute for the real thing. *Daily Mail*. [Accessed 30 Dec 2019].
- Goodwin, C. and Butler, C., 2009. Legitimate love: the meaning of civil partnership for the positioning of lesbian and gay people in society. *Sexual and Relationship Therapy*, 24 (3–4), 235–248. doi:10.1080/14681990903233061.
- Government Equalities Office, 2012. *Equal civil marriage: a consultation*. Available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/133258/consultation-document\\_1\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/133258/consultation-document_1_.pdf). [Accessed].

- Harding, R., 2006. ‘Dogs are “registered”, people shouldn’t be’: legal consciousness and lesbian and gay rights. *Social & Legal Studies*, 15 (4), 511–533. doi:10.1177/0964663906069545.
- Harding, R., 2008. Recognizing (and resisting) regulation: attitudes to the introduction of civil partnership. *Sexualities*, 11 (6), 740–760. doi:10.1177/1363460708096916.
- Harper, M., et al., 2005. *Civil partnership: the New Law*. Bristol: Jordan Publishing.
- Hayfield, N., et al., 2024. Exploring civil partnership from the perspective of those in mixed-sex relationships: embracing a clean slate of equality. *Journal of Family Issues*, 45 (8), 1925–1948. doi:10.1177/0192513X231194298.
- Hayward, A., 2017. Registered partnerships in England and Wales. In: J. Scherpe and A. Hayward, eds. *The future of registered partnerships: family recognition beyond Marriage?*. Cambridge: Intersentia, 187–224.
- Hayward, A., 2019a. Equal civil partnerships, discrimination and the indulgence of time: R (on the application of Steinfeld and Keidan) v Secretary of State for international development. *The Modern Law Review*, 82 (5), 922–935. doi:10.1111/1468-2230.12437.
- Hayward, A., 2019b. The Steinfeld effect: equal civil partnerships and the construction of the cohabitant. *Child and Family Law Quarterly*, 31 (4), 283–302.
- Hayward, A., 2020. Relationships with status – civil partnerships in an era of same-sex marriage. In: F. Hamilton and G.N.L. Diega, eds. *Same-Sex relationships, Law and social change*. London: Routledge, 189–208.
- Hayward, A., 2021. Mixed-sex civil partnerships and relationality: a perspective from law. *Families, Relationships and Societies*, 10 (1), 205–210. doi:10.1332/204674320X16062294691475.
- Hayward, A., 2022. New models of registered partnership reform: embracing family recognition beyond marriage? In: M. Breger, ed. *Exploring norms and family laws across the globe*. Lanham, Maryland, US: Lexington Publishers, 35–52.
- Hayward, A., 2024. Mixed-sex civil partnerships: a blank canvas or painting by numbers? In: R. Probert and S. Thompson, eds. *Research handbook on marriage, cohabitation and the Law*. Edward Elgar Publishing, 237–255. doi:10.4337/9781802202656.00024.
- HC Deb, 2013a. 558 col. 125.
- HC Deb, 2013b. 558 col. 136.
- HC Deb, 2017. 619 col. 648.
- HC Deb, 2019a. 656 col. 682.
- HC Deb, 2019b. 656 col. 685.
- Heaphy, B., 2015. Civil partnership and ordinary marriage. In: N. Barker and D. Monk, eds. *From civil partnership to same-sex marriage*. London: Routledge, 115–131.
- Heaphy, B., 2018. Reflexive convention: civil partnership, marriage and family. *The British Journal of Sociology*, 69 (3), 626–646. doi:10.1111/1468-4446.12308.
- Heaphy, B., Smart, C., and Einarsdottir, A., 2013. *Same-sex marriages: new generations, new relationships*. Basingstoke: Palgrave Macmillan.
- Hern, A., 27 June 2018. The civil partnerships ruling means we can move on from marriage. *The Guardian*. [Accessed 27 June 2018].
- HL Deb, 2004a. 660 col. 387.
- HL Deb, 2004b. 662 col. 1361.
- HL Deb, 2004c. 662 col. 1479.
- HM Government, 2012. *Equal marriage: the Government’s response*. Available from: , [https://assets.publishing.service.gov.uk/media/5a7a3690ed915d1a6421bdaa/consultation-response\\_1\\_.pdf](https://assets.publishing.service.gov.uk/media/5a7a3690ed915d1a6421bdaa/consultation-response_1_.pdf). [Accessed 8 Mar 2025].
- Howard, S., 2020. No rings, flowers or “I do” - why we chose a civil union instead of a wedding. *The Telegraph*. [Accessed 9 Feb 2020].
- Jowett, A. and Peel, E., 2010. Seismic cultural change?: British media representations of same-sex marriage. *Women’s Studies International Forum*, 33, 206–214. doi:10.1016/j.wsif.2009.12.009.
- Jowett, A. and Peel, E., 2017. ‘A question of equality and choice’: same-sex couples’ attitudes towards civil partnership after the introduction of same-sex marriage. *Psychology and Sexuality*, 8 (1–2), 69–80. doi:10.1080/19419899.2017.1319408.



- Jowett, A. and Peel, E., 2019. Reshaping relational scripts? Marriage and civil partnership proposals among same-gender couples. *Psychology and Sexuality*, 10 (4), 325–337. doi:10.1080/19419899.2019.1645726.
- Kitzinger, C. and Wilkinson, S., 2004. Social advocacy for equal marriage: the politics of “rights” and the psychology of “mental health”. *Analyses of Social Issues and Public Policy*, 4 (1), 173–194. doi:10.1111/j.1530-2415.2004.00040.x.
- Loat, M., 2018. I got a heterosexual civil partnership on the Isle of Man – now bring them to the whole UK. *iNews*. [Accessed 12 Feb 2018].
- Maine, A., 2021. Queer(y)ing consummation: an empirical reflection on the Marriage (Same Sex Couples) Act 2013 and the role of consummation. *Child and Family Law Quarterly*, 33 (2), 143–161.
- Mallender, P. and Rayson, J., 2005. *The Civil Partnership Act 2004: a practical Guide*. Cambridge: Cambridge University Press.
- Miles, J. and Probert, R., 2019. Civil partnership: ties that (also) bind? *Child and Family Law Quarterly*, 31 (4), 303–319.
- Mitchell, M., Dickens, S., and O’Connor, W., 2009. *Same sex couples and the impact of legislative changes*. London: National Centre for Social Research.
- Nejaime, D., 2012. Marriage inequality: same-sex relationships, religious exemptions, and the production of sexual orientation discrimination. *California Law Review*, 100 (5), 1169–1238.
- Nielsen, L., 1990. Family rights and the registered partnership in denmark. *International Journal of Law, Policy and the Family*, 4 (3), 297–307. doi:10.1093/lawfam/4.3.297.
- Office for National Statistics, 2020. *Civil partnerships in England and Wales: 2019*. [Online]. Available <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/civilpartnershipsinenglandandwales/2019>.
- Office for National Statistics, 2024. Divorces in England and Wales: 2022. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/divorce/bulletins/divorcesinenglandandwales/2022>.
- Palazzo, N. and Kornet, N., 2023. A closer link: registered partnerships and modern families in Europe. *SSRN Electronic Journal*, 35 (3), 275–304. doi:10.2139/ssrn.4731692.
- Rault, W., 2019. Is the civil solidarity pact the future of marriage? The several meanings of the french civil union. *International Journal of Law, Policy and the Family*, 33 (2), 139–159. doi:10.1093/lawfam/ebz001.
- Rolfe, A. and Peel, E., 2011. ‘It’s a double-edged thing’: the paradox of civil partnership and why some couples are choosing not to have one. *Feminism & Psychology*, 21 (3), 317–335. doi:10.1177/0959353511408059.
- Scherpe, J. and Hayward, A., eds. 2017a. *The future of registered partnerships: family recognition beyond marriage?*. Cambridge: Intersentia.
- Scherpe, J. and Hayward, A., 2017b. The future of registered partnerships: an introduction. In: J. Scherpe and A. Hayward, eds. *The future of registered partnerships: family recognition beyond marriage?* Cambridge: Intersentia, 1–9.
- Silas, S., 2018. Why I won’t be raising a glass to mixed-sex civil partnerships. *The Guardian*. [Accessed 3 Oct 2018].
- Smart, C., 2007. Same sex couples and marriage: negotiating relational landscapes with families and friends. *The Sociological Review*, 55 (4), 671–686. doi:10.1111/j.1467-954X.2007.00747.x.
- Søland, B., 1998. A queer nation? The passage of the gay and lesbian partnership legislation in Denmark, 1989. *Social Politics: International Studies in Gender, State and Society*, 5 (1), 48–69. doi:10.1093/sp/5.1.48.
- Statistics Netherlands, 2023. Fewer registered partnerships formed in 2022. Available at <https://www.cbs.nl/en-gb/news/2023/08/fewer-registered-partnerships-formed-in-2022>.
- Steinfeld, 2018. *R (on the application of Steinfeld and Keidan) v Secretary of State for the International Development (in substitution for the Home Secretary and the Education Secretary)*. UKSC 32.

- Steinfeld, R. and Keidan, C., 2019. Our fight for right to civil partnership is finally won. *Evening Standard*. [Accessed 29 Nov 2019].
- Steinfeld and Keidan v The Secretary of State for Education*, 2016. EWHC 128.
- Stychin, C., 2006. Not (quite) a horse and carriage: the civil partnership Act 2004. *Feminist Legal Studies*, 14 (1), 79–86. doi:[10.1007/s10691-006-9015-0](https://doi.org/10.1007/s10691-006-9015-0).
- Tatchell, P., 2005. Civil partnerships are divorced from reality. *The Guardian*. [Accessed 19 Dec 2005].
- The Times, 2004. Commitment rewarded. *The Times*. [Accessed 1 Apr 2004].
- Utley, T., 2014. A straight couple whining because they can't have a civil partnership? Give me strength! *The Daily Mail*. [Accessed 5 Dec 2014].
- Waalwijk, K., 2005. Others may follow: the introduction of marriage quasi-marriage, and semi-marriage for same-sex couples in European countries. *Judicial Studies Institute Journal*, 5 (1), 104–124.
- Walker v Innospec Limited and others*, 2017. UKSC 47.
- Wilkinson, S. and Kitinger, C., 2006. In support of equal marriage: why civil partnership is not enough. *Psychology of Women Section Review*, 8 (1), 54–57. doi:[10.53841/bpspow.2006.8.1.54](https://doi.org/10.53841/bpspow.2006.8.1.54).
- Wilkinson v Kitinger*, 2006. EWHC 2022 (Fam).
- Willems, G., 2017. Registered partnerships in Belgium. In: J. Scherpe and A. Hayward, eds. *The future of registered partnerships: family recognition beyond marriage?* Cambridge: Intersentia, 381–409.
- Wiseman, E., 2018. New ways to say I love you – without slavery and homophobia. *The Guardian*. [Accessed 8 July 2018].
- Wright, K. and Scott, J., 2018. Civil partnerships: “will you NOT marry me?”. *BBC News*. [Accessed 2 Oct 2018].