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# Conscientious objectors and the marrying kind: rights and rites in Dutch public discourse on marriage registrars with conscientious objections against conducting same-sex weddings

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## ABSTRACT

When civil marriage in the Netherlands was opened up to same-sex couples in 2001, the Dutch government allowed civil marriage registrars with conscientious objections to opt out. This exemption became controversial in 2007, when it was reemphasized by a new government coalition that comprised two faith-based parties. Through critical discourse analysis this article discusses the construction of religion and homosexuality in public discourses on the *weigerambtenaar* (lit. 'refusing civil servant') between 2007 and 2014. It looks at the effects of the *weigerambtenaar* as a term, a character and a social problem, and shows how particular oppositions between homosexuals and Christians were created or reinforced. Moreover, it argues that, although the issue was framed in terms of certain secular *rights*, some contributions also pointed to the importance of (quasi)religious *rites* in the civil wedding ceremony. Therefore, it also shows how marriage was conceptualized in terms of religion and (homo)sexuality.

## KEYWORDS

Christianity; church and state; homosexuality; the Netherlands; same-sex marriage; secularism

- (1) A marriage may be entered into by two persons of a different or of the same sex.
- (2) The law considers a marriage only in its legal civil relationships.

Dutch Civil Code<sup>1</sup>

## 1. Introduction

In 2011, the word *weigerambtenaar* was elected the Dutch Word of the Year.<sup>2</sup> This neologism, which literally translates as 'refusing civil servant,' was a particular framing of what was commonly referred to as *gewetensbezwaarde (trouw)ambtenaar*, a 'marriage registrar with conscientious objections' (hereafter abbreviated as 'MaRCO'). These registrars' objections were directed against conducting same-sex weddings. The MaRCO has been a controversial political issue since 2000, when the Dutch Parliament discussed a proposal to open up marriage to same-sex couples. This turned civil marriage into a battleground for testing and contesting religious (and sexual) freedoms.

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Although the debates on the MaRCO tended to focus on marriage *rights* for same-sex couples – as well as the rights of MaRCOs (esp. their freedom of religion) – this article intends to show that many participants in the debates were also – often implicitly and subconsciously – concerned with civil marriage *rites* in which the civil marriage registrar plays a significant role. This shift of focus from rights to rites becomes visible in the argument I will make in this article. The main question is how homosexuality and religion were constructed in public discourse about the MaRCO. After I have sketched the historical and political context of the construction of the MaRCO as a ‘social problem’ (Section 2), I will show how the construction of the MaRCO as a particular character reinforced a particular opposition between Christians and homosexuals (Section 3). In the final two sections, I will address the main question in a different manner by looking at the role of religion and sexuality in the conceptualization of marriage in public discourse about the MaRCO. I will show how the discourse about the MaRCO has brought to light the broadly valued ceremonial – or even quasi-religious – role of the civil marriage registrar (Section 4) as well as some conflicting understandings of marriage (Section 5).

I will address these questions by providing a critical discourse analysis of selected examples from Dutch public discourse, primarily between 2007 and 2014 (see Section 2 for a substantiation of this temporal demarcation). A certain level of comprehensiveness has been pursued by using contributions of different types of participants (esp. journalists, politicians, activists, MaRCOs) in different public arenas (esp. newspapers, websites, TV programs) on primarily national (but also regional or local) level. Moreover, instead of limiting my scope to rational arguments only, I will look at verbal and visual rhetoric more broadly.

## 2. The MaRCO: from possibility to social problem

In 2001, the Netherlands were the first country to open up civil marriage to same-sex couples. This was effected by the Second Kok Cabinet (1998–2002), which, just like the First Kok Cabinet (1994–1998), was a coalition of social democrats (PvdA), conservative liberals (VVD) and liberal democrats (D66). After the Christian democrats (CDA) had lost dramatically at the 1994 elections, the Netherlands had got its first secular coalition in 80 years. The question of same-sex marriage did not play any role in the formation of the First Kok Cabinet, which was not much interested in immaterial matters. Three MPs of each coalition party started campaigning for it. But most members of government could not be bothered about the issue. Moreover, they thought – mistakenly – it would be a step too far for the Dutch population. In 1998, however, the Coalition Agreement of the Second Kok Cabinet articulated the intention to open up marriage for same-sex couples. Within two years and rather easily, the amendment was put into law.<sup>3</sup>

In an interview with these three MPs in September 2000, one of them explained that they all had had the feeling: “we have to do it now, now that it’s possible in a coalition without CDA.”<sup>4</sup> On April 1, 2016 (the 15th anniversary of same-sex marriage), the country’s secular LGBT organization, COC Netherlands, explicitly mentioned the efforts of this “second ‘purple’ cabinet”,<sup>5</sup> implying that it was not just the government, but this particular secular cabinet.<sup>6</sup> These are just a few examples that might indicate that the opening up of marriage (just as the *Termination of Life on Request and Assisted Suicide Act* of 2002) was *presented* by some MPs of the coalition parties and *perceived* among the public as a victory of

a *secular* coalition. However, academic studies on the legalization of same-sex marriage in the Netherlands (including comparative studies on different countries) primarily focus on legal aspects,<sup>7</sup> whereas academic literature that pays attention to the role of religion and secularism in the preparation, presentation and perception of this legalization is almost absent.<sup>8</sup>

Whereas, for example, France has witnessed a significant religious opposition against the legalization of same-sex marriage in 2013 (even though French *laïcité* traditionally separates Church and State more strictly than is the case in the Netherlands), religious opposition in the Netherlands has been limited.<sup>9</sup> A few factors could explain this. First, the Netherlands did not – and does not – have a significant Christian Right movement.<sup>10</sup> Second, the increased dominance of a juridico-political discourse of anti-discrimination in the 1980s and 1990s had rendered many counterarguments unconvincing. When the new Constitution took effect in 1983, an article on equal treatment and anti-discrimination became the Constitution's first article.<sup>11</sup> Although this was “mainly justified on technical-systematic grounds”, the article was soon perceived as expressing the most fundamental norm of Dutch society.<sup>12</sup> This was reinforced with the introduction of the Equal Treatment Act, which, after a decade of fierce debate viz. religious opposition, became effective in 1994. In the late 1990s, many arguments – whether religious or non-religious – against opening up civil marriage had become unconvincing: neither assertions on the longstanding tradition or Christian roots of opposite-sex marriage nor warnings that opening up civil marriage might have a negative impact on Dutch international relations, could change the ‘fact’ that limiting marriage to opposite-sex couples was considered discriminatory.<sup>13</sup> Third, civil partnerships for both same-sex and opposite-sex couples had already become available a few years earlier, in 1998, and these entailed almost the same rights as civil marriages.<sup>14</sup> But the most important explanation in the context of my argument is that Dutch priests and ministers as such are not civil marriage registrars.

All Dutch legislation regarding marriage – whether different-sex or same-sex marriage – purports to regulate the institution of marriage only in its civil capacity. This is because, since the early 1800s, there has been a clear divide in the Netherlands between the state as keeper of the registry of births, marriages, and deaths – known in the Netherlands as the *Burgerlijke Stand* – on the one hand, and religious institutions as solemnizers of religious marriage, on the other hand. A Dutch marriage, whether different-sex or same-sex, can *only* take place before an official of the *Burgerlijke Stand*, normally in the town hall.<sup>15</sup>

Although the churches might have expected that after the opening up of civil marriage, they would be asked or pressed by, among others, lesbian and gay believers to solemnize same-sex marriages, the change of law did not have direct *legal* consequences to church policies.

The government was aware that there might well be some marriage registrars who had conscientious objections against conducting same-sex weddings (MaRCOs). During the discussions of the proposed amendment of law, State Secretary of Justice, Job Cohen, explained that, just like all other kinds of conscientious objections among civil servants, such cases would continue to be dealt with locally and internally, as there would always be another local registrar to officiate. In short, MaRCOs would not be forced to conduct same-sex weddings.<sup>16</sup>

Although several political parties as well as COC Netherlands made critical comments already in 2000, it was only in early 2007 that a heavy debate emerged. On February 7, the

coalition of social democrats, Christian democrats and the Christian Union had presented their Coalition Agreement, in which they explicitly stated that they would protect the position of the MaRCO.<sup>17</sup> This was nothing new compared to the position of the government that had opened up marriage.<sup>18</sup> In addition, it could well be that the two Christian coalition parties wanted to play safe with the social democrats, who had been part of the cabinet that had introduced same-sex marriage. On February 14 (Valentine's Day), the Mayor of Amsterdam, Job Cohen, gave a speech at the *Homomonument* in Amsterdam in which he expressed his concern about this passage in the Coalition Agreement.<sup>19</sup> It is important to note here that Cohen was a member of one of the coalition parties (social democrats); that he had been responsible for the opening up of marriage and for the 'creation' of the MaRCO as a *juridico-political possibility* (see above); and that he had conducted the country's – and the world's – first same-sex weddings on April 1, 2001 in Amsterdam.<sup>20</sup> Two months later, on April 1, 2007 – exactly six years after the first same-sex weddings – the social democrats joined several opposition parties in signing a covenant with COC Netherlands not to support a legal recognition of MaRCOs.<sup>21</sup> The role of the social democrats in these events make it likely that the passage in the Coalition Agreement had been brought in by either one or both of the two Christian parties. This is not surprising as blessing same-sex marriages had been a heated issue in Dutch churches in the preceding years.<sup>22</sup> These statements – as well as the sudden frequent use of the word *weigerambtenaar* in the media, to which I will turn in the next section – created and fueled heated debates that would continue until 2014, when a proposal by the liberal democrats to ban the MaRCO was accepted by both Parliament and Senate.<sup>23</sup> In effect, the issue of the MaRCO – one of the two "flaws (*weeffouten*)" in the 2001 amendment of law, according to COC Netherlands in a press release issued on the 15th anniversary of same-sex marriage<sup>24</sup> – had been on the political agenda for a longer period and had been debated more intensively than the issue of same-sex marriage itself.

There have been no reported cases of same-sex couples who could not get married in a particular municipality. Yet the political focus on the MaRCO was relatively strong, both compared to other kinds of (possible) conscientious objections among civil servants and compared to the relatively low number of MaRCOs. As to the latter, on their website COC Netherlands noted that they had sent out a questionnaire to all 443 municipalities in "early 2007" – probably shortly after the release of the Coalition Agreement in February – to assess the number of MaRCOs.<sup>25</sup> They probably reported 104 MaRCOs at that time.<sup>26</sup> What they did not note is the total number of all marriage registrars in the Netherlands, which could well be several thousands.<sup>27</sup> Now the success or failure to construct something as a "social problem" – and that's what the issue of the MaRCO was becoming – "need bear no strong relationships to the number of people affected, the extent of harm (as measured by any particular set of criteria), or to any other independent variables that purport to measure importance."<sup>28</sup> Numbers do not speak for themselves. For example, in 2013 an MP for the Christian Union assumed the same number as COC Netherlands did at that time, but considered it negligible.<sup>29</sup> In an op-ed piece, a historian called the controversy "yet another example of political symbolism". He accused several political parties of hypocrisy: whereas the green lefts and the liberal democrats had earlier ridiculed the fear of 150 burqas, they were now scared of 100 MaRCOs. On the other hand, he argued, the Christian democrats had pleaded in favor of a ban on the burqa but against the ban on the MaRCO. The author concluded: "That the conscientious objections of one hundred

*weigerambtenaren* are being banned is a flagrant violation of the fundamental principles of liberalism and a solution for a non-existent problem.”<sup>30</sup> But for opponents of the MaRCO, the issue was – or had become – a matter of (certain) principles. Already in early 2007, a city council member for the green lefts had argued that MaRCOs and their defenders “should not try to find clever escape routes”<sup>31</sup> and in 2013, an MP for the same party explained that “back then we were still pragmatic [ ... ], because we thought that the *weigerambtenaar* would naturally disappear”.<sup>32</sup> Others went even further and argued that one should never have given room for these – supposed – conscientious objections anyway.

### 3. The fictive character of the MaRCO and the opposition of Christians vs. gays

The successful construction of a “social problem” relies on the use of drama, when “officially certified ‘facts’ are coupled with vivid, emotional rhetoric.”<sup>33</sup> If the mere oppositional pairing of religion and homosexuality did not already provide enough fuel for this, the construction of a particular dramatic character did the job. The construction of the *dramatis persona* of the MaRCO was effected by the introduction and repetitive use of the neologism *weigerambtenaar*. Among the Dutch population, the cultural image of the civil servant (*ambtenaar*) in general is that of a lazy, nine-to-five, humorless bureaucrat who likes to make it hard for citizens to get a license of any kind or who, for obscure or silly reasons, simply refuses to provide a license. So in the general public’s imagination, refusing (*weigeren*) is already a common feature of the character of the civil registrar – which is why some joked that the word *weigerambtenaar* is a pleonasm.<sup>34</sup> After some news reporters had spoken of *weigerachtige ambtenaar*<sup>35</sup> and *weigeringsambtenaar*,<sup>36</sup> the shorter version *weigerambtenaar* suddenly became a hit after it was (re)introduced in a national newspaper column in March 2007.<sup>37</sup> The fused noun *weigerambtenaar*, ‘sticking’ *weiger* to *ambtenaar*, reinforced the inherently reluctant and stubborn character of civil servants. Yet this use of a term with, literally speaking, a very *general* meaning – it does not speak of (same-sex) marriage or religion – for a very *specific* group contributed to the idea that the MaRCO was a big and widespread problem.<sup>38</sup>

The general image of the *weigerambtenaar* that emerges from (written and visual) contributions to public discourse by its opponents is that of an old, grumpy, straight, male Christian from the Dutch Bible belt who feels aversion towards (male) homosexuals/homosexuality and, therefore, rejects same-sex couples on the most beautiful day of their lives.<sup>39</sup> One aspect of this image needs some more explanation. The Dutch Bible belt is a strip of land that stretches from the southwest to the east of the Netherlands and that covers towns like Staphorst and Urk. It has a high concentration of *reformatorischen*, conservative Calvinists with a pietistic or experiential spirituality. These Christians have their own newspaper (*Reformatorisch Dagblad*), political party (SGP), labor union (RMU) and private (primary and secondary) schools. The extent to which the MaRCO is presented or perceived as a Christian or as *this particular type* of Christian depends on how familiar the ‘presenter’ viz. ‘perceiver’ is with the characteristics of different Christian denominations in the Netherlands.

The above-sketched character of the *weigermbtenaar* emerges from phrases and images, especially from the many cartoons that circulated, but most clearly in an episode of the popular satirical TV program *Koefnoen*, broadcasted on March 10, 2007, about a



disastrous civil wedding of a gay couple. It starts with a man (the marriage registrar) behind a door criticizing Annemarie (either a colleague or his manager) for putting him in the corner and a little further he talks with strong disdain about a second woman, his colleague who was supposed to conduct the ceremony but who happened to be ill. As will soon become clear, the man is both misogynist and homophobic. What is striking is that there are just a few allusions to religion. The first is a “Praise be the Lord” that he utters at some point, but the second is more subtle: he has dark-brown straight-parted hair and under his gown, he wears a black three-piece suit typical for – although not limited to – middle-aged conservative pietistic Christian men. Whereas the registrar’s rural accent makes him sound provincial or even backward, the grooms are from the country’s ‘Gay Capital,’ Amsterdam, and also their manners, clothing and professions make them look and sound stereotypically gay. The registrar turns out not to be a *weigerambtenaar* in the literal sense, for he eventually does not refuse (*weigeren*) to conduct the ceremony. However, he does take the opportunity to express his aversion towards the marrying couple. In his speech, which seems to imitate the traditional conservative pietistic fire-and-brimstone sermon, he narrates to the couple and their two (female) witnesses how the two men had first met:

While living within a stone’s throw, you lived separate lives – and after all, why not ... ? You have become acquainted at a self-defense course. How do such things go? I imagine one day the training ended up in fist fucking ... and then you got into conversation with one another.<sup>40</sup>

This is, of course, a parody. But such a replacement of conscience by disgust as the ‘origin’ of the MaRCO’s conscientious objections can also be found in online comments<sup>41</sup> and in op-ed pieces in the media. For example, Rev. Tom Mikkers (Remonstrant minister) argued that the MaRCO “brings out his conscience to disguise his aversion against homosexuality”.<sup>42</sup> Others called the MaRCO a “homophobe”,<sup>43</sup> “an anti-gay Calvinist”,<sup>44</sup> someone “for whom same-sex love is an abomination” and who sees homosexuality as “a choice instead of a nature”,<sup>45</sup> or someone who “doesn’t like gays” but is “stubborn” enough to become a marriage registrar anyway.<sup>46</sup> The fear of the opponents of the MaRCO was that the latter would reject gay couples in their face. That this would happen was very unlikely if not virtually impossible, but the mere thought of it was scary enough – the fear of a possible rejection by a marriage registrar was almost like the fear of one’s partner suddenly saying *No à la moment suprême*.

A different type of response to the MaRCO was the argument that marriage registrars should, as many put it, ‘simply execute the law.’ This was argued by, among others, a Mayor who had just fired an MaRCO,<sup>47</sup> former chair of COC Netherlands, Vera Bergkamp,<sup>48</sup> MP Ineke van Gent,<sup>49</sup> the previous two with chief-editor of the *Gay Krant*, Henk Krol, in a co-authored op-ed piece,<sup>50</sup> and 6 out of 10 respondents to a poll on the website of national tabloid *De Telegraaf*.<sup>51</sup> Some defenders of the MaRCO responded by drawing a comparison with how the government had always left room for those who had conscientious objections to serve in the military – the green lefts in particular had been solidly behind such conscientious objectors.<sup>52</sup> Vera Bergkamp, however, speaks of “discrimination” and makes a comparison with South-African Apartheid: “Someone with a dark skin had access to public transport, but not every bus driver wanted to take him on the bus. That’s not equality.”<sup>53</sup> This illustrates how secularism considers religion a

matter of private conscience.<sup>54</sup> But we also see here what German scholar of religion Astrid Reuter has called “a shift of political culture towards human rights culture, that is, to a process of ‘justicialization’ (*Vergerechtllichung*).”<sup>55</sup> The rhetorical effect of arguing that this is a matter of “discrimination” against a certain group – an interpretative frame that, as I have explained in the previous section, has generally become more dominant in Dutch public discourse since the 1980s – is the construction of an “imagined community”<sup>56</sup> of homosexuals, in which homosexuality is primarily constructed as a natural identity.

One columnist for a national newspaper responded that Bergkamp’s comparison with South-African Apartheid did not hold. After all, a bus driver is not a civil servant. Moreover – and more importantly – a white bus driver who refused to drive a black person was actually acting *in accordance with* the law – or at least not against it.<sup>57</sup> The ‘simply executing the law’ rhetoric of Bergkamp and others was ironically at odds with at least two examples of conscientious objections or acts of civil disobedience from the history of LGBT emancipation. First, in 1995, under the headline “Pink attack on purple coalition”, a national newspaper had reported about marriage registrars of two Dutch municipalities who threatened to conduct same-sex weddings or even to conduct no weddings at all, if the national government would not speed up the process of opening up civil marriage to same-sex couples.<sup>58</sup> Second, in the early 1980s, several gay men – or “faggots (*flikkers*)”, as they called themselves – expressed conscientious objections against serving in the military, because, as one of them put it, in the army “male supremacy and display of male power is even more institutionalized than in society in general”.<sup>59</sup>

As I am concerned in this article with the construction of religion and homosexuality, let me become a little more analytical and explain what kinds of oppositions I discern in this discourse. Generally speaking, I see the effectuation of a *discursive* opposition between *Christian* MaRCOs and *homosexual* couples. First, many critics of the MaRCO seem to assume that all gays and lesbians are on their side, whereas many MaRCOs and their defenders seem to assume that all ‘true’ viz. ‘biblically orthodox’ Christians will never conduct same-sex weddings. Moreover, there are two assumptions that are shared by defenders and opponents alike: first, the assumption that all marrying couples are ‘homosexual’; and second, the assumption that all MaRCOs are Christian.

The first assumption was implied and/or reinforced by the fact that especially LGBT organizations<sup>60</sup> had campaigned for the opening up of marriage, by the general use of terms such as *homohuwelijk*<sup>61</sup> (‘gay marriage’) and *homopaar* (‘gay couple’) in and outside of public debates about the MaRCO, and by the above-discussed framing of the MaRCO as a homophobic person. However, people who want to enter into a marriage with a person of the same sex can do so for various reasons – not only for sexual or romantic reasons. Moreover, they might not self-identify as gay or lesbian, but as bisexual, heterosexual, genderqueer or whatever. Juridically speaking, such motivations and self-identifications are irrelevant.

But the second overall assumption or implication of contributions to the discourse was that MaRCOs could only be found among *Christian* marriage registrars.<sup>62</sup> One could object that the few MaRCOs that actually defended themselves in public were indeed all (Protestant) Christians. However, this could be partly the very *effect* of the focus on *Christian* marriage registrars. Moreover, although in 2000 the State Secretary of Justice had also spoken of the possibility of non-religiously motivated objections<sup>63</sup> and although the 2007



Coalition Agreement had not explicitly spoken of *religiously* motivated objections,<sup>64</sup> it seems that the only reason many opponents of the MaRCO could *imagine* for MaRCOs to have such conscientious objections is these registrars' religion. Apparently, for the opponents of the MaRCO, non-religious marriage registrars would *by definition* never have any such objections.<sup>65</sup> Let me discuss another example here in some more detail. In a current affairs TV program, an MP for the socialist party (SP) addressed the director of the conservative pietistic labor union RMU (which had recently started to look after the interests of MaRCOs) as follows:

It is highly painful if a marriage registrar, who speaks on behalf of the city office, says: 'This couple's wedding I want to conduct but not that couple's.' But these people want to celebrate and then the city office informs them that this person doesn't want to do this. Imagine that the city office would say: 'We don't want to conduct the weddings of Christians', how would you feel about that?<sup>66</sup>

The example he provides as a counterargument and his use of a rhetorical question creates 'Christians' as the other, especially as it is hard to imagine what kind of conscientious objections – and, consequently, what kind of worldview – a marriage registrar could have against conducting the wedding of a Christian couple. On the other hand, the fact that a conservative pietistic labor union defended MaRCOs reinforced the idea that MaRCOs could only, or primarily, be found among conservative pietistic Christians. In a similar fashion, in an interview for a newspaper, an MaRCO had implied that all MaRCOs voted for the conservative pietistic political party SGP.<sup>67</sup> So the idea that all MaRCOs were Christian – or, more precisely, pietistic Calvinists – was widespread among both opponents and defenders of the MaRCO.

An opposition between homosexuals as a social group versus Christians as a social group was effectuated or reinforced by several assumptions: the assumption that everyone who marries a person of the same sex is homosexual; the assumption (esp. among opponents of the MaRCO) that all gays and lesbians oppose MaRCOs; the assumption that all MaRCOs are Christians (or conservative Calvinists in particular); and the assumption (esp. among MaRCOs and their defenders) that 'biblically orthodox' Christian marriage registrars by definition would not conduct same-sex weddings. As the promotion of the rights of LGBTs is often seen as characteristic of a secular mindset and the rejection of homosexual relations or acts as characteristic of 'orthodox' Christianity, one could also say that a discursive opposition between secularism and 'orthodox' Christianity was being constructed. Yet this opposition was blurred in a particular way in a debate that emerged in 2011. Before I will discuss that debate in more detail in Section 5, I will first provide some background information about the role of civil marriage registrars.

#### 4. The marriage registrar as a secular priest

The only thing the Dutch Civil Code dictates with respect to civil weddings is that the couple should declare before the marriage registrar that they take each other as spouses, after which the registrar draws up an act.<sup>68</sup> For almost a century at least, however, civil marriage registrars have been doing more than the law requires them to do. Let me give an example from a 1939 collection of speeches delivered by a marriage registrar at civil weddings. In the preface, he explains that if a marriage registrar

wants to elevate civil weddings from a rigidly formal mood and wants to comply necessary lightness and crucial enthusiasm in the way he addresses the bridal couple, he constantly needs to elaborate his views on the same theme in different ways.<sup>69</sup>

So in one of the speeches we find him reflecting on the true nature of nuptial love, proclaiming that marriage “requires the broader and more encompassing love, which doesn’t ask but gives”.<sup>70</sup> It could as well have been a line from a sermon – and, more specifically, a Protestant sermon resembling Anders Nygren’s antithesis between *eros* and *agape*.<sup>71</sup>

Back then, all marriage registrars were municipal employees. But during the second half of the twentieth century, secularization viz. the decline of Church attendance and membership led to stronger expectations towards civil weddings viz. marriage registrars. As this required more time from marriage registrars, in 1993 the government decided to allow municipalities to appoint unemployed “extraordinary marriage registrars (*buitengewone ambtenaren van de burgerlijke stand*)” as of January 1, 1995.<sup>72</sup> In many municipalities, couples can choose the marriage registrar they like. As in principle any Dutch citizen can be sworn into the office of extraordinary marriage registrar – even just for one day – couples can also ask a friend or relative to do the job. For many extraordinary marriage registrars, the main motivation to become marriage registrar is to contribute in making this the most beautiful day of the couple’s life.<sup>73</sup> Usually, the registrar visits the couple for an intake conversation to get to know the couple and to discuss how they would like the wedding to be orchestrated. At the wedding ceremony, they give a personal speech in which, for example, they retell to the wedding guests how the couple had first met (like the registrar in the *Koefnoen* sketch discussed in the previous section does) or they preach about the value of love (see the registrar quoted at the beginning of the current section). The couple’s favorite music can be played, rings can be exchanged, and finally, after the perfectly dressed couple’s *Yeses*, the registrar declares that the couple is now married and can kiss one another. Often the legal formalities do not precede, but are surrounded – and, in the most extreme case, overshadowed – by such personal and quasi-ritual elements. Many Dutch citizens – both opponents and defenders of the MaRCO, and both religious and non-religious persons – value this tradition. When I confine myself to examples from public discourse about the MaRCO, I find a conservative liberal Mayor,<sup>74</sup> several MaRCOs,<sup>75</sup> a spokesperson of the Christian Union,<sup>76</sup> an MP for the conservative reformed party SGP,<sup>77</sup> an MP for the green lefts<sup>78</sup> and two conservative Christian opinion makers<sup>79</sup> all emphasizing the value – or even the right – of couples to choose a marriage registrar they feel a connection with, whether in terms of their religion, their sexual orientation and/or any other aspect of their lives.

So the civil wedding ceremony is not only a matter of rights, but also of rites. Moreover, in civil wedding ceremonies and in the way people talk about them, we can hear some secular echoes of Christian wedding liturgies. As such, this should not come as a surprise, for the Christian roots of Western marriage laws have been well documented, especially by John Witte in his book *From Sacrament to Contract*.<sup>80</sup> But when we look beyond the law, we find a few interesting things. Witte has argued that the Modern “doctrine of individualism [has] rendered anachronistic the traditional notion that marriage was somehow a spiritual estate or a social calling that demanded the involvement of priests, parents, and peers in its formation and maintenance.”<sup>81</sup> However, as we have seen above, the

marriage registrar in the Netherlands seems to have taken over the role of the priest (or minister) in the formation of marriage (and even parents or peers can take up this role). Not only do they often give a speech that sounds like a sermon, but also in the way they perform – or are said to perform – the legal formality of taking the bridal couple's vows we see the Christian origin of the ritual. Let me give a personal example. On February 9, 2017, my brother got married to his girlfriend in the historic city hall of Delft. After the ceremony, in which she had read two poems about love and happiness, the marriage registrar gave them a stenciled print of her speech as a kind of souvenir. On the cover page it read that on that day she had *voltrokken* ('contracted') their marriage. But the Civil Code states that "[t]he marriage shall be contracted in public in the town hall *before* the Registrar of Civil Status,"<sup>82</sup> leaving the subject of the act unmentioned. In debates about the MaRCO as well as in other contexts I have come across many others (including marriage registrars) implying that the registrar is the one who performs the act that constitutes a marriage. Ironically, this is also at odds with the Medieval Catholic view that considered not the priest but the spouses themselves the "ministers of the sacrament."<sup>83</sup> So many registrars claim – or are attributed to – a more significant role than the Civil Code does – maybe because this is what they believe a priest or minister does in a wedding service. Moreover, whereas a priest or minister acts on behalf of his or her church, it is not that clear on behalf of what or whom marriage registrars act. As they are formally holding office (*ambt*), many of them wear a black gown, just like judges and professors – and, more importantly, certain Protestant ministers. But how does the registrar relate to the State and its citizens, and what does s/he represent?

It is exactly because of this tradition that the world-view and personality of a marriage registrar really do matter to many of those who want to get married. This intensified the arguments of both defenders and opponents of the MaRCO. MaRCOs and some of their defenders feared that, when MaRCOs would be either banned or forced to conduct same-sex weddings, Christian couples would be unable to find a marriage registrar of their religious affinity. As one MaRCO put it, "soon it will have become impossible for an SGP-couple to have their marriage conducted by someone of their own kind. That's discrimination."<sup>84</sup> This MaRCO is implying two things here: first, that the possibility of a religiously fashioned civil wedding is a right – a right that SGP-voting Calvinists in particular are making use of; and second, that a marriage registrar who *does not* have conscientious objections against conducting same-sex weddings would by definition be unfit to officiate at the wedding of a pietistic Reformed couple. Among opponents of the MaRCO, the awareness that a marriage registrar might have conscientious objections against conducting same-sex weddings, created the fear that same-sex couples would run the risk of being rejected in their face by a (Christian) MaRCO. As one columnist put it, the MaRCO is someone who "refuses out of hand" to conduct your marriage, who "turns his back on you [...]. You cannot hurt a person any deeper."<sup>85</sup> Therefore, many opponents demanded *neutrality*, that is, that Christian registrars keep their 'religion' private. At the same time, the ceremonial practice at civil weddings that seems to be generally valued (also among opponents of the MaRCO), demands *de facto* a *plurality* among registrars in terms of views and styles. Moreover, the emphasis on the registrars' performances beyond the juridical formalities seems at odds with the 'simply executing the law' rhetoric of many opponents of the MaRCO.

This practice never created any serious problems – after all, there’s a freedom of choice from a plurality of marriage registrars – until it became apparent that some registrars (might) have ‘homophobic’ (religious) views. As I have argued in the previous section, it seems that not the religiosity of some registrars was the problem, but the perceived homophobia of MaRCOs. Moreover, it is remarkable that the conscientious objections of Christian marriage registrars were apparently only directed at conducting same-sex weddings – hardly any MaRCO or its defenders articulated objections against conducting, for example, weddings of divorced persons, even though many Christians who are against same-sex marriage are also against divorce.<sup>86</sup> These two observations seem to point to a commonly shared implicit conviction that the only possible mismatch between a marriage registrar and a couple is that between a MaRCO (who is perceived as *Christian*) and a same-sex couple (both of whom are perceived as *gay*).

### 5. Affirmation or rejection on the most beautiful day of ‘our’ lives

In the second half of 2011, after the issue of the MaRCO had been figuring in public discourse for four years, several Christian theologians and other scholars wrote op-ed pieces in national newspapers and magazines, in which they argued – in different ways – that the above-mentioned ceremonial role of marriage registrars was at least part of the ‘problem’ of the MaRCO.<sup>87</sup> But it was expected that soon a majority of the Parliament would support a proposal to, as it was often phrased, put the phenomenon of the *weigerambtenaar* to an end. In an interview for a Christian newspaper, Arie Slob, MP for the Christian Union (which had argued for the protection of the MaRCO for a decade), now suggested to solve the problem by making civil weddings a short and simple de-ritualized formality.<sup>88</sup>

The conservative pietistic daily *Reformatorisch Dagblad*<sup>89</sup> quoted several MPs, who were all critical of Slob’s proposal.<sup>90</sup> Ineke van Gent (green lefts), who had called the proposal worthy of consideration two days earlier,<sup>91</sup> now responded: “If you say: ‘In principle marriage is an administrative act at the city hall,’ you erode people’s freedom of choice.” Alexander Pechtold (liberal democrats) questioned Slob’s motivation: “Of course the more sober version remains an option, but it shouldn’t become the standard.” Instead of explaining *why* it should not, he proceeds: “Certainly not if it’s framed by the desire to protect the position of the *weigerambtenaar*. This is really a proposal of the type: ‘If we don’t get a party, then you don’t get a party either.’” I would like to leave open for dispute whether this does justice to Slob’s motivation, but look at how two young politicians active for SGP and Christian Union respectively had made a suggestion similar to Slob’s in an op-ed piece a few months earlier: if the “valuable tradition” of having the freedom to choose your preferred marriage registrar will be put to an end, they argued, “it might be the most fair to reduce civil weddings to a bureaucratic act right away.”<sup>92</sup> Madeleine van Toorenborg (Christian democrats) was primarily worried about the consequences: if a civil wedding without a ceremony would become the standard, she commented to *Reformatorisch Dagblad*, “couples will later have to motivate why they want both a legal and a ceremonial wedding at the city hall. The next step will be city councils setting extra fees.” Apparently, she considered a ceremonial wedding the State’s responsibility. But she also explained that, “according to CDA, marriage by its very nature is more than just an administrative act, regardless of where it takes place.” In a similar fashion, Kees van der Staaij (SGP) warned that marriage should not be

stripped of its symbolic meaning.<sup>93</sup> That the latter two MPs (resp. Catholic and pietistic Reformed) made explicit remarks about the character of the institution of marriage should not come as a surprise, because both Catholic subsidiary theologies and Protestant covenantal theologies have articulated reasons for why the state should be invested in marriage.<sup>94</sup>

Slob's proposal was also received critically outside the political arena, as we see in a background article in one of the country's more sophisticated national newspapers *NRC*. The reporter clearly has no sympathy for Slob's proposal when she writes about it in terms of "getting his way". Ironically, she primarily gives the floor to several young, *opposite-sex* couples, all of whom criticize Slob's proposal. About a 30-something opposite-sex couple the reporter notes: "Because she and her boyfriend are not religious, the very ceremony surrounding civil marriage is important." The reporter does not question this logic, which almost suggests that the State should compensate for what non-religious couples miss out on. Another person remarks that "we should cherish traditions like marriage, including civil marriage", which – one would not expect otherwise – is also the view of the owner of a wedding fashion boutique: "That day is all about the show, the romance, the emotion. It is the day you will remember for the rest of your life. For one day you are the center of attention. That's what we all want." Also marriage registrar Josine den Burger believes 'we all' are of the marrying kind: "What do little girls dream of? They dream of wearing that beautiful dress while walking in with their father holding their arm. They really don't dream of putting a signature at a counter." Therefore, she gets "*extremely* het" about Slob's proposal. According to the reporter, den Burger

sees herself not only as a marriage registrar, but also a little bit as an entertainer. Being a professional singer herself, she knows how to play to an audience. 'That's also what people want at such a moment.' [...] Without a ceremony civil weddings would become stark and unpleasant, thinks Josine den Burger. 'Of course you can do something extra yourself. But the civil wedding is the essence. That is compulsory.'<sup>95</sup>

Again, the reporter fails to ask what den Burger considers "compulsory": a civil wedding as such or a civil wedding with a ceremony? Although all these interviewees do not say much about what they believe marriage to be about – the focus is more on weddings than on marriage – it turns out that the general view on marriage has not become merely contractual. Marriage seems to have become a simulated symbol, a symbol without a (transcendental) reference that participates in the uncritical repetition of traditional Christian wedding ceremonies. As the article pays no attention to same-sex couple, one could even get the impression that the MaRCO caused a threat to anyone who wants to get married – that is, if we are all of the marrying kind, as den Burger suggests, a threat to everyone.

## 6. Conclusion

Although there had been public discussions about MaRCOs since the opening up of marriage for same-sex couples in 2001, a heated debate erupted in early 2007. This had to do with party politics with key roles for political parties of previous secular coalitions on the one hand and Christian parties on the other. The introduction and repetitive use of the neologism *weigerambtenaar* enabled or catalyzed the construction of the MaRCO as a fictional character, whose homophobia either resulted from or was concealed by his

Christian ‘religion.’ This character was perceived as causing a serious threat to gay and lesbian couples and their weddings. After same-sex couples had received access to the institution of civil marriage in 2001, MaRCOs now were in danger of being excluded from conducting civil weddings – a fear that became reality in 2014. As all same-sex bridal couples were perceived as gay or lesbian and as all MaRCOs were perceived as Christian (whether or not of a particular Calvinist type), an identity political struggle emerged over who was the threatened minority: ‘orthodox’ Christians or gays and lesbians? A discursive opposition between these two groups was also created or reinforced by, on the one hand, the implication that ‘true’ Christians are against same-sex marriage viz. in favor of MaRCOs, and on the other hand, the implication that ‘true’ gays and lesbians are simply in favor of same-sex marriage viz. against MaRCOs.

Whereas many opponents of the MaRCO emphasized that marriage registrars should ‘simply execute the law,’ I have shown that for a long time marriage registrars have been expected to do more than what the Dutch Civil Code instructs. The decline in numbers of people attending or being a member of a Church seems to have been mirrored by an increase in numbers of extraordinary marriage registrars. Marriage registrars often act – or are expected to act – as secular priests, who preach about love and pretend to be the one who contracts the sacred bond of marriage. This brings us back to an old dispute over who defines marriage – an issue that remained implicit for the most part. In debates about the MaRCO, homosexuality was primarily defined in terms of an identity – and, therefore, same-sex marriage was considered synonymous with ‘gay marriage,’ that is, a marriage between two *gay* or *lesbian* persons – whereas marriage was primarily spoken of in terms of an individual right, that is, not as a relationship or an institution. But in response to a proposal to de-ritualize civil weddings, both opponents and defenders of the MaRCO and both religious and non-religious persons turned out to highly value the State’s facilitation of *ceremonial* civil weddings. This blurred the discursive opposition of Christians (often associated with MaRCOs) vs. secularists (often associated with LGBTs). Moreover, it indicated that marriage is still (also) seen as a symbolic institution. But what does marriage symbolize – and, consequently, why is a *ceremonial* civil wedding considered so important? Important for many religious and non-religious couples. Important for opposite-sex and for same-sex couples – or should we say *gay* couples?

One can only guess. But let’s end with a tentative suggestion. In 2013, under the headline “Steam-roller Gay Marriage”, *Reformatorisch Dagblad* reported on the rapid legalizations of same-sex marriage in, until then, 19 countries. They had asked an expert to comment on this: Bas de Gaay Fortman, Professor Emeritus of Political Economics and Human Rights at Utrecht University and a former MP and Senator of a radical political party in the 1970s and 1980s. In his comments, de Gaay Fortman also makes a more personal remark by explaining that, back then, he and likeminded politicians considered marriage a unique institution for opposite-sex couples and that they did not consider this view at odds with the principle of equal rights. But over the years he had changed his mind. The interviewer paraphrases: “Decisive for him was the ‘growing awareness’ of what people with this nature (*geaardheid*) have suffered in the past and that they need marriage as a ‘recognition.’”<sup>96</sup> Marriage registrar Josine den Burger, quoted in the previous section, seems to say something similar. In this view, marriage is not a particular type of *relationship between* two persons, but, when it’s a same-sex marriage viz. a marriage between two *homosexual* persons of the same sex, a compensation for their suffering and a recognition



and affirmation of their sexual identity. Maybe marriage has become the ultimate means to give homosexual persons the feeling that they can truly ‘be who they are.’

## Notes

1. Art. 1:30 *Burgerlijk Wetboek* (Civil Code). Translation taken from <http://www.dutchcivillaw.com/civilcodebook01.htm> (accessed February 17, 2017). This website translates *geslacht* as “gender (sex)”, but it should be “sex”.
2. “‘Weigerambtenaar’ Onze Taal-woord van 2011,” *Onze Taal*, November 25, 2011, <https://onzetaal.nl/weblog/onze-taal-woord-van-2011>.
3. Peters, *Een doodgewoon kabinet*, 113–17. ‘While the world was flabbergasted, the Netherlands had become bored with this feat.’ (Hekma, “Gay Paradise,” 51–52; as quoted by David Bos in his article in this issue).
4. Wilco Boom, “‘Partners in crime’: huwelijk voor homo’s door initiatief paarse Kamerleden,” *Algemeen Dagblad*, September 2, 2000; cf. Dittrich, *Een blauwe stoel*, 57–58.
5. “‘Vijftien jaar huwelijk is feest van gelijkheid,’” *COC Nederland*, April 1, 2016. <http://www.coc.nl/algemeen/vijftien-jaar-huwelijk-is-feest-van-gelijkheid>.
6. The First and Second Kok Cabinets are commonly nicknamed ‘Purple I and II,’ because purple is a mixture of blue and red, the colors of the two biggest parties (liberals resp. social democrats). The following example shows that ‘purple’ in this context has become synonymous with ‘secular.’ In Autumn 2013, the coalition of social democrats and conservative liberals reached a budget agreement with the liberal democrats and two small Christian parties to get a majority in the Senate. As this was an agreement between all three parties of the former ‘purple’ coalition and two conservative Christian parties, it was called “Purple with the Bible” in the media (e.g. Thijs Niemantsverdriet and Derk Stokmans, “‘Paars met de Bijbel’ is laatste reddingsboei,” *NRC*, October 10, 2013. <http://www.nrc.nl/handelsblad/2013/10/10/paars-met-de-bijbel-is-laatste-reddingsboei-1304967>). This phrase indicates that “purple” implies “secular,” especially since religion didn’t play any dominant role in this agreement.
7. For example, Maxwell, “Opening Civil Marriage”; Waaldijk, “Civil Developments”; Waaldijk, “Others May Follow”; cf. Cox, “To Have and to Hold.”
8. Except, for example, van der Burg, “Symbolic Crusade.”
9. In the years before the legalization of same-sex marriage in France, *laïcité*’s authority had been challenged by religious opponents of same-sex marriage (McCaffrey, “Gay Marriage in France,” 265–66).
10. Cf. Cox, “To Have and to Hold.”
11. “All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.”
12. Van der Burg, “Symbolic Crusade,” 261–62.
13. Van der Burg, “Symbolic Crusade,” 268. For a similar argument with respect to France, see McCaffrey, “Gay Marriage in France,” 266–67.
14. Cf. Waaldijk, “Small Change,” 446–47.
15. Waaldijk, “Others May Follow,” 107.
16. Wet openstelling huwelijk: memorie van antwoord, Pub. L. No. 26 672, 2000–2001 officiële-bekendmakingen.nl 92a (2000), <https://zoek.officiëlebekendmakingen.nl/kst-20002001-26672-92a.html>. The Association of Dutch Municipalities expressed the same view (Nederlandse Vereniging voor Burgerzaken, *Wet openstelling huwelijk*, 30).
17. Ministerie van Algemene Zaken, “Coalitieakkoord tussen de Tweede Kamerfracties van CDA, PvdA en ChristenUnie,” February 7, 2007. <https://www.rijksoverheid.nl/documenten/rapporten/2007/02/07/coalitieakkoord-balkenende-iv>. The Christian Union (*ChristenUnie*) is a merger of two moderately conservative Protestant parties that had

never been in a government. It tends to be religiously rather conservative but socially moderately progressive.

18. The only new element was the obscure remark that, 'if problems would rise in the municipal practice, initiatives will be taken to secure the legal certainty of MaRCOs.'
19. Lucas Gasthuis, "Taal: Weigerambtenaar," *Elsevier* 63, no. 16 (2007).
20. In addition, on March 3, Albert Verlinde, a popular TV host – and a gossip queen to many – started a petition against the MaRCO ("Actie Albert Verlinde tegen weigerambtenaren," *COC Nederland*, March 4, 2007, <http://www.coc.nl/jouw-belangen/actie-albert-verlinde-tegen-weigerambtenaren>).
21. "'Gemeenten namen na 2001 nog weigerambtenaren aan,'" *De Volkskrant*, April 1, 2007, <http://www.volkskrant.nl/binnenland/-gemeenten-namen-na-2001-nog-weigerambtenaren-aan~a879556/>; "Trouwambtenaren," *COC Nederland*, 2007, <http://www.coc.nl/dossier/trouwambtenaren>.
22. For example, when the Dutch Reformed Church (*Nederlands Hervormde Kerk*), the Reformed Churches in the Netherlands (*Gereformeerde Kerken in Nederland*) and the Lutheran Church merged into the Protestant Church of the Netherlands in 2004, a part of the right wing of the Dutch Reformed Church didn't join, one of the reasons being the possibility same-sex couples would have in the new Protestant Church to have their marriages blessed (Bos, *De aard*, 20–1).
23. An additional and more general explanation could be the fact that, in the intervening years, the attacks of 9/11 and the assassinations two Dutch critics of Islam in 2002 (Pim Fortuyn) and 2004 (Theo van Gogh), among others, had negatively affected public perceptions not only of Islam but also of religion(s) in general.
24. COC, "Vijftien jaar huwelijk is feest van gelijkheid" (see note 5).
25. COC, "Trouwambtenaren" (see note 21).
26. They presented the results of their investigation on April 1, 2007, at the earlier-mentioned presentation of their covenant with several political parties. A news item on this event spoke of 'one out of eight municipalities' that 'employed' MaRCOs ("Gemeenten namen na 2001 nog weigerambtenaren aan," *De Volkskrant*, April 1, 2007, <http://www.volkskrant.nl/binnenland/-gemeenten-namen-na-2001-nog-weigerambtenaren-aan~a879556/>). I don't know for sure how many MaRCOs COC had counted in early 2007, as they have updated their information since then. On January 20, 2016 they mentioned 87 MaRCOs (COC, "Trouwambtenaren"; see note 21), which seems to have been the number since at least on September 15, 2012, when a columnist for a regional newspaper wrote: 'An average of 87 tokens of this threatened species still exist in municipal offices. In 2007, there were 104 all-in-all.' (Paul Prikken, "Weigerambtenaar is fictie," *De Limburger*, September 15, 2012) The columnist doesn't tell where he got these numbers from, but it's very likely that he got them from COC, for on November 10, 2011 the national news broadcasting organization spoke of 104 by referring to COC ("Den Haag ontslaat weigerambtenaar," *NOS*, November 10, 2011, <http://nos.nl/artikel/312287-den-haag-ontslaat-weigerambtenaar.html>) and that's the number of MaRCOs in 2007 according to Prikken.
27. Both the Association of Dutch Municipalities and the Dutch Association of Civil Affairs have informed me that they don't have a national administration of marriage registrars. But to get an idea: in 2011, a columnist spoke of 487 marriage registrars in the municipality of Amsterdam only (Margreet Fogteloo, "Weigerambtenaar weigeren," *De Groene Amsterdammer* 135, no. 22 [2011]). If that's correct and if the registrar/citizen-ratio in the Netherlands as a whole is the same as in Amsterdam, there were roughly 8,000–10,000 civil registrars in the country.
28. Hilgartner and Bosk, "Social Problems," 58.
29. Gert-Jan Segers, "De meerderheid denkt altijd dat ze gelijk heeft," *Trouw*, June 6, 2013, <http://www.trouw.nl/tr/nl/5009/Archief/archief/article/detail/3453619/2013/06/06/De-meerderheid-denkt-altijd-dat-ze-gelijk-heeft.dhtml>.
30. Rutger Bregman, "Oplossingen voor onzinproblemen, en dat ten koste van jouw keuzevrijheid," *NRC.next*, November 17, 2011.
31. Quoted in Rob Musters, "Weigerambtenaar in Etten-Leur," *BN/DeStem*, March 31, 2007.

32. Quoted in Erica Meijers, “Tolerantie 2013: iets eisen van de ander,” *Trouw*, June 14, 2013.
33. Hilgartner and Bosk, “Social Problems,” 61.
34. Rob Hoogland, “Woord,” *De Telegraaf*, November 28, 2011; cf. Gasthuis, “Taal” (see note 19).
35. “Weigerachtige ambtenaar incasseert,” *Trouw*, August 21, 2003, <http://www.trouw.nl/tr/nl/4324/Nieuws/article/detail/1770304/2003/08/21/Weigerachtige-ambtenaar-incasseert.dhtml>.
36. Adri van Esch, “Dales in gesprek met weigeringsambtenaar Eringa,” *Gay Krant* 24, no. 499 (2004): 15.
37. On April 21, 2007, a columnist noted that the word *weigerambtenaar* had been used 27 times in newspapers and magazines since February 14 and had already 36,000 hits on Google (Gasthuis, “Taal”; see note 19). In 2011, another columnist (Hoogland, “Woord”; see note 34) asserted that it was a journalist of *De Volkskrant* who had coined the term in 2007 – he probably meant a news item on March 3 (“Gemeenteraden verplichten ambtenaren homo’s te trouwen,” *De Volkskrant*, March 3, 2007) – but it had been used at least once before in 2001 by a reporter of a regional newspaper (Willem Bosma, “Leeuwarder aanpak van trouwrel kreukvrij,” *Leeuwarder Courant*, June 18, 2001).
38. The success of the term *weigerambtenaar* becomes clear when we see media using the term *weigerbakker* in their headlines when reporting about an American baker who had refused to make a wedding cake for a lesbian couple (e.g. “Weigerbakker moet toch bakken,” *NOS*, May 30, 2014, <http://nos.nl/artikel/654849-weigerbakker-moet-toch-bakken.html>) – apparently, these media expect their readers to immediately associate the word *weiger* with (religious) discrimination against gays and lesbians. At the same time, also the more neutral – or ‘politically correct’ – term of ‘marriage registrar with conscientious objections (*gewetensbezwaarde ambtenaar*)’ doesn’t speak of (same-sex) marriage or religion.
39. According to the results from a survey by the evangelical broadcasting organization EO among MARCOs who are in the records of the Reformed labor union RMU, the average (Reformed!) MARCO is a *man*, is *older than 50*, and has worked as an *extraordinary* marriage registrar in a relatively *small* municipality for *more than 10 years* (EO, *De Vijfde Dag*, December 1, 2011, [http://www.npo.nl/de-vijfde-dag/01-12-2011/EO\\_101175515](http://www.npo.nl/de-vijfde-dag/01-12-2011/EO_101175515)). The difference between ordinary and extraordinary marriage registrars will be discussed in section 4.
40. *Koefnoen* (AVRO), “Homohuwelijk,” March 10, 2007, [http://www.npo.nl/koefnoen/10-03-2007/AVRO\\_1243964](http://www.npo.nl/koefnoen/10-03-2007/AVRO_1243964).
41. For example, some comments to Bert Brussen, “Ministerie: ‘Weigerambtenaar exclusief christelijk,’” *GeenStijl*, July 14, 2011, [http://www.geenstijl.nl/mt/archieven/2011/07/ministerie\\_weigerambtenaar\\_exc.html](http://www.geenstijl.nl/mt/archieven/2011/07/ministerie_weigerambtenaar_exc.html).
42. Tom Mikkers, “Trouwambtenaar hoeft geen zielenherder te zijn,” *Trouw*, October 25, 2011.
43. Prikken, “Weigerambtenaar is fictie” (see note 26).
44. Uwe Arnhold, “De godsdienst toonde zijn lelijke kant,” *De Volkskrant*, December 29, 2011.
45. Elma Drayer, “Overheidsdienaar moet zijn gevoelens thuis laten,” *Trouw*, November 24, 2011, <http://www.trouw.nl/tr/nl/6847/Elma-Drayer/article/detail/3047691/2011/11/24/Overheidsdienaar-moet-zijn-gevoelens-thuis-laten.dhtml>.
46. Annelies van der Veer, “Niet geschikt voor de job,” *Metro*, April 22, 2014.
47. Axel Veldhuizen, “5 vragen aan G. de Kok: ‘Dit kabinet zorgt voor rechtsongelijkheid,’” *Algemeen Dagblad*, March 3, 2007.
48. Irene de Pous, “Taaie strijd om weigerambtenaar,” *De Volkskrant*, August 6, 2012. At the time of the interview referred to, Bergkamp had just stepped back as chair of COC Netherlands and had started campaigning for the next Parliamentary elections – in 2012, she would become an MP for the liberal democrats.
49. *Pauw & Witteman* (VARA), November 16, 2011, [http://www.npo.nl/pauw-witteman/16-11-2011/VARA\\_101262117](http://www.npo.nl/pauw-witteman/16-11-2011/VARA_101262117).
50. Ineke van Gent, Henk Krol, and Vera Bergkamp, “VVD, weiger de weigerambtenaar,” *De Volkskrant*, November 15, 2011.
51. René van Zwieten, “Weg met weigerambtenaar,” *De Telegraaf*, October 26, 2011.

52. Kees de Groot, "Gewetensbezwaarde was bij GroenLinks vroeger goed af," *Reformatorisch Dagblad*, August 9, 2011.
53. De Pous, "Taaie strijd" (see note 48); cf. Ger van Beem, "Het is géén gezeur," *Het Parool*, August 7, 2012.
54. Cf., for example, Scott, "Secularism," 27.
55. Reuter, "Charting the Boundaries," 3.
56. Anderson, *Imagined Communities*.
57. Sjoerd de Jong, "Waarom de weigerambtenaar mag weigeren," *NRC*, September 5, 2012, <http://www.nrc.nl/ombudsman/2012/09/05/waarom-de-weigerambtenaar-mag-weigeren>.
58. Esther van Osselen, "Roze aanval op paarse coalitie," *Algemeen Dagblad*, February 16, 1995; cf. David Bos' article in this issue. On the meaning of 'purple' see note 6.
59. Mario, "De fijne kant van discriminatie," *Verkeerde Krant* no. 9 (1981): 3; cf. Mario, "Dienst-weigeren gevoed door flikkerideeën," *Verkeerde Krant* no. 7 (1981): 32; Ton Roosendaal, "Ik ben het gewoon niet eens met het systeem: interview met Johan Lor," *Verkeerde Krant* no. 17 (1983): 29.
60. It was primarily the *Gay Krant* which had campaigned for it – COC Netherlands only started to support same-sex marriage in the second half of the 1990s (see David Bos' article in this issue).
61. COC Netherlands and (some) other LGBT activists, however, avoided this term and spoke of 'huwelijk tussen paren van gelijk geslacht' ('same-sex marriage') and similar terms instead.
62. For example, Fogteloo, 'Weigerambtenaar weigeren' (see note 27); Annelies van der Veer, 'Weigerambtenaar: uitstervende minderheid,' *Metro*, December 6, 2011; A. Hobbel, "Religie beperkt," *Algemeen Dagblad*, June 20, 2012; Annemarie Kas, "'85 gewetensbezwaarden, en niet één meer erbij': vier vragen over de weigerambtenaar," *NRC*, June 11, 2013.
63. Wet openstelling huwelijk (see note 16).
64. Ministerie van Algemene Zaken, "Coalitieakkoord" (see note 17).
65. Interestingly, marriage registrars with a religious affiliation other than Christian are absent from – or at least unrecognizable as such in – public discourse (both as participants and as subject of debate).
66. EO, *De Vijfde Dag* (see note 39).
67. Hein Bosman, "Grondwet met voeten getreden," *Amersfoortse Courant*, October 29, 2011.
68. Art. 1:67 Burgerlijk Wetboek.
69. Pfeiffer, *Huwelijkstoespraken*, 13.
70. *Ibid.*, 54.
71. Nygren, *Agape and Eros*.
72. Gemeente Middelharnis, "Rechtspositieregeling buitengewoon ambtenaar burgerlijke stand gemeente Middelharnis," *Overheid.nl*, January 22, 2008, [http://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Middelharnis/50719/50719\\_1.html](http://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Middelharnis/50719/50719_1.html); van Dorp and Oosthoek, *Wat is daarop uw antwoord?*, 10. I use these sources (a document from the municipality of Middelharnis resp. a book on marriage registrars) because Parliamentary documents before January 1, 1995 are not available on the Government's website *overheid.nl*.
73. For example, Jaap Cordia, "PvdA discrimineert gelovig bruidspaar," *Reformatorisch Dagblad*, April 27, 2010; Bosman, "Grondwet" (see note 67); Sheila Kamerman, "Trouwen aan de gemeentebalie: ChristenUnie-leider Slob wil een burgerlijk huwelijk zonder ceremonie," *NRC.next*, November 24, 2011.
74. EO, *De Vijfde Dag* (see note 35).
75. Jaap Cordia, "Burger niet verschillend begroeten," *Nederlands Dagblad*, August 23, 2008; Cordia, "PvdA" (see note 73); Bosman, "Grondwet" (see note 67); N.N., "'Ik gun ieder homo-paar dag van hun leven'," *Leeuwarder Courant*, August 8, 2011; Emilie van Outeren, "Huwelijk moet voor iederéén leuk zijn," *NRC.next*, November 15, 2011.
76. Kamerman, "Trouwen aan de gemeentebalie" (see note 73).
77. Kees van der Staaij, "Weigerambtenaar is geen caissière," *Nederlands Dagblad*, February 18, 2009.

78. Quoted in “Geen politieke animo voor voorstel huwelijk Slob,” *Reformatorisch Dagblad*, November 21, 2011, [http://www.refdag.nl/nieuws/politiek/geen\\_politieke\\_animo\\_voor\\_voorstel\\_huwelijk\\_slob\\_1\\_604409](http://www.refdag.nl/nieuws/politiek/geen_politieke_animo_voor_voorstel_huwelijk_slob_1_604409).
79. Wouter van den Berg and Remco van Mulligen, “Weigerambtenaar heeft recht op tolerantie,” *Trouw*, August 11, 2011.
80. Witte, *From Sacrament to Contract*.
81. Witte, *From Sacrament to Contract*, 197.
82. Art. 1:63 Burgerlijk Wetboek (emphasis added).
83. Cf. Witte, *From Sacrament to Contract*, 26.
84. Bosman, “Grondwet” (see note 67); cf. Cordia, “PvdA” (see note 73); “CU: trouwen als administratieve handeling aan de gemeentebalie,” *NRC*, November 21, 2011, <http://www.nrc.nl/handelsblad/2011/11/21/cu-trouwen-als-administratieve-handeling-aan-de-gemeentebalie-12083571>.
85. “Woede over weigerambtenaar,” *De Twentsche Courant Tubantia*, June 23, 2012. The author of this column is not given in database LexisNexis.
86. Marco Derks, “Weigerambtenaar: fatsoenlijk nadenken,” *Nederlands Dagblad*, August 17, 2011; cf. Derks, Vos, and Tromp 2014.
87. For example, Jan Dirk Snel, “Homohuwelijk en weigerambtenaren: over de fantasie van Marcel Duyvestijn en Thijs Kleinpaste,” *Weblog Jan Dirk Snel*, July 7, 2011, <http://jandirksnel.web-log.nl/jandirksnel/2011/07/homohuwelijk-en-weigerambtenaren-over-de-fantasie-van-marcel-duyvestijn-en-thijs-kleinpaste.html>; Derks, “Weigerambtenaar” (see note 86); Mikkers, “Trouwambtenaar” (see note 42); Ruard Ganzevoort, “De weigerambtenaar,” *Centraal Weekblad*, November 3, 2011, <http://ruardganzevoort.wordpress.com/2011/11/03/de-weigerambtenaar>; Gied ten Berge, “Geen ja-woord meer op het stadhuis,” *Trouw*, November 12, 2011, <http://www.trouw.nl/tr/nl/5009/Archief/archief/article/detail/3030066/2011/11/12/Geen-ja-woord-meer-op-het-stadhuis.dhtml>.
88. Gerard Beverdam, “Burgerlijk huwelijk aan de balie,” *Nederlands Dagblad*, November 19, 2011, <http://www.nd.nl/artikelen/2011/november/19/-burgerlijk-huwelijk-aan-de-balie>. Interestingly, two days later in another newspaper, a spokesperson of the Christian Union provided an explanation that actually ran contrary to Slob’s proposal: “Imagine a couple from Urk [a town in the Bible Belt; cf. section 3] that prefers that marriage registrar they know from their parish. If that registrar has deep conscientious objections against conducting the marriage of a gay couple, then he will just stop doing his work. Then those other couples loose the possibility of getting married before that registrar.” (*NRC*; see note 84) The spokesperson implies that Slob wanted to protect both the MaRCO and the tradition of ‘ceremonial’ civil weddings, whereas Slob had now proposed to ‘de-ritualize’ civil weddings.
89. Cf. the explanation on experiential Calvinism in section 3.
90. *Reformatorisch Dagblad*, “Geen politieke animo” (see note 78).
91. NOS, “Slob wil huwelijk aan balie,” *NOS*, November 19, 2011, <http://nos.nl/artikel/314724-slob-wil-huwelijk-aan-balie.html>.
92. Van den Berg and van Mulligen, “Weigerambtenaar” (see note 79).
93. *Reformatorisch Dagblad*, “Geen politieke animo” (see note 78). He spoke of a *verzakelijking* (“formalization,” “reification”) of marriage.
94. Browning, *Marriage and Modernization*, 26.
95. Kamerman, “Trouwen aan de gemeentebalie” (see note 73).
96. Evert van Vlastuin, “Stoomwals homohuwelijk,” *Reformatorisch Dagblad*, August 24, 2013.

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