CONSULTATION QUESTIONS

The registration of civil partnerships

Question 1  (Paragraphs 2.12 and 2.13)

Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

Yes  
No  
Don’t know  

Please give reasons for your answer.

Comments

We understand the need in civil law to consider the preferences of the same-sex couple who wish to have a religious component to their civil partnership ceremony. Parliament has chosen to create a new type of civilly recognised relationship apart from marriage, which was necessitated because marriage as understood from its original inception in the Bible was between a man and a woman. For the state to allow a religious civil partnership ceremony would blur the lines in practice (even if not in law) between marriage and the civil partnership. This would undermine the sanctity of religious marriage, and be de facto same-sex marriage by an alternative route.

Question 2  (Paragraphs 2.14 to 2.19)

Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?

Yes  
No  
Don’t know  

If you have answered no, please explain what elements of the proposals in England and Wales you consider inappropriate for Scotland.

Comments

We do not believe that allowing civil partnership ceremonies to take place in church but with no religious content makes sense. It again blurs the distinction between civil partnerships and marriage, as it gives the impression that a religious institution is giving the same (or similar)
recognition to a civil partnership as a marriage – even if the service contains no religious elements beyond its setting. It also does not respect the distinctive of Scots Law and practice with regard to marriage, which has never recognised a civil registrar to do a service in a church.

<table>
<thead>
<tr>
<th>Question 3</th>
<th>(Paragraphs 2.20 to 2.24)</th>
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<tbody>
<tr>
<td>Do you agree with allowing religious celebrants to register civil partnerships in religious premises?</td>
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<tr>
<td>Yes ☐</td>
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<tr>
<td>No ☒</td>
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<tr>
<td>Don’t know ☐</td>
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<td>Please give reasons for your answer</td>
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Comments
For the state to allow a religious civil partnership ceremony would blur the lines in practice (even if not in law) between marriage and the civil partnership. This would undermine the sanctity of religious marriage, and be de facto same-sex marriage by an alternative route.

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<tr>
<th>Question 4</th>
<th>(Paragraphs 2.20 to 2.24)</th>
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<tr>
<td>Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?</td>
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<tr>
<td>Yes ☐</td>
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<tr>
<td>No ☒</td>
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<tr>
<td>Don’t know ☐</td>
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<td>Please give reasons for your answer</td>
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Comments
The Christian Church only has one type of recognised union: Marriage, as is found in the Bible which is the basis and order for marriage in the world. This is between one man and one woman for their natural lives. It would blur the line for the Christian Church to be recognising in some way another union, which is not found in the Bible and is not proven to be beneficial for families, children and society in the same way that marriage is and was designed to be.

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<th>Question 5</th>
<th>(Paragraph 2.25)</th>
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<tr>
<td>Do you agree that religious bodies should not be required to register civil partnerships?</td>
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</table>
Yes  
No  
Don’t know  

Please give reasons for your answer

Comments

As a religious body that believes marriage, as founded and defined in the Bible, is only between a man and a woman and is the only recognised union to promote happiness, family and well-being in society; it would go against all convictions, sacred beliefs and conscience to not have an exemption for religious bodies in this way.

Question 6 (Paragraphs 2.26 and 2.27)

Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

Yes  
No  
Don’t know  

Please give reasons for your answer

Comments

In questions 6 and 7 there may be perceived an apparent contradiction, in believing that an individual minister should not be allowed to register a civil partnership if his religious body has not supported the registration of civil partnerships – on the grounds of maintaining unity in the body, not promoting harm and schism. While at the same time saying religious hierarchical body should not be allowed to require individual ministers to register civil partnerships, which would cause disunity. However, greater harm is caused in actively requiring a minister to go against conscience and convictions rooted in the Bible in performing what he believes is an immoral action; than to not permit a minister to do something that in his mind is morally ok but the body which he has submitted to leadership and spiritual authority has said it does not agree with.

Question 7 (Paragraphs 2.28 to 2.30)

Do you agree that individual religious celebrants should not be required to register civil partnerships?
In questions 6 and 7 there may be perceived an apparent contradiction, in believing that an individual minister should not be allowed to register a civil partnership if his religious body has not supported the registration of civil partnerships – on the grounds of maintaining unity in the body, not promoting harm and schism. While at the same time saying religious hierarchical body should not be allowed to require individual ministers to register civil partnerships, which would cause disunity. However, greater harm is caused in actively requiring a minister to go against conscience and convictions rooted in the Bible in performing what he believes is an immoral action; than to not permit a minister to do something that in his mind is morally ok but the body which he has submitted to leadership and spiritual authority has said it does not agree with.

Question 8  (Paragraphs 2.31 to 2.35)
Which of the options do you favour to ensure that religious bodies and celebrants do not have to register civil partnerships against their will?

Do you favour:
- Option 1
- Option 2
- Neither

If you have another option, please describe it.

Comments
If the Parliament proceeded to allow religious civil partnerships and some religious bodies supported this move, then it would be better to make it an OPT-IN system rather than OPT-OUT. This protects those who do not wish to be involved from receiving pressure to do something against their conscience, as they simply do not have the power to do it. Instead they can direct somewhere else. This best considers the practicalities of pastoral ministry and ecclesiastical politics for the individual dissenting minister.
Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

Yes   
No   [x]  
Don’t know   

Please give reasons for your answer

Comments

It would be better to explicitly state this in legislation to not leave room for judicial interpretation and creeping development of the law on a case to case basis. The Parliament should make this intention clear from the outset. However, it should also make a practical qualification that if the premises are shared or jointly owned then the discretion to make the decision should be made locally by those involved.

It is vitally important that there are amendments to all the relevant legislation, stating that a church is not acting discriminatory in this manner.
Same sex marriage

Question 10  (Paragraphs 3.11 and 3.12)

Do you agree that the law in Scotland should be changed to allow same sex marriage?

Yes ☒
No ☐
Don’t know ☐

Please give reasons for your answer

Comments

Marriage is constituted and defined by creation, not by society. We recognise that civil authorities have the authority to create and change laws (like civil partnerships), but we do not recognise their authority to change the unchangeable things of marriage. Marriage was founded and defined in the Bible as being between a man and a woman. This creation order has proven throughout human history to be the most beneficial building block of all society and for the welfare of children. Any discussion about marriage and changing it must consider its origin, which is fundamentally a religious and Biblical one.

As much as the feelings and desires of same-sex couples need to be considered in a liberal democracy and treated with equality, the simple reality is that not all things can be equal, because all things are not made and ordered equally. For example, men may complain at the inequality of not being able to get pregnant but this is a creation order fact which cannot be changed and should not be attempted. Some things you and your desires cannot choose – there are limits to equality and our choices in a liberal democracy!

Thus, the Scottish Parliament should not attempt to exercise legislative authority over the reserved matter of marriage (reserved in terms of creation).

Question 11  (Paragraph 3.13)

Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Yes ☒
No ☐
Don’t know ☐

Please give reasons for your answer
As a religious body that believes marriage, as founded and defined in the Bible, is only between a man and a woman and is the only recognised union to promote happiness, family and well-being in society; it would go against all convictions, sacred beliefs and conscience to not have an exemption for religious bodies in this way.

Question 12  (Paragraphs 3.14 to 3.18)

Do you agree with the introduction of same-sex civil marriage only?

Yes  
No  
Don't know  

Please give reasons for your answer

Marriage is not defined by the state but by the creation ordinances of God. While the state can recognise and perform secular civil marriage ceremonies for people without a significant belief in God, it has not changed the fact that marriage is between one man and one woman making a covenant before the eyes of God. It is another thing to redefine marriage to make it mean the opposite of what it was made to be, and which ultimately undermines what all (civil and religious) marriages are meant to be.

Question 13  (Paragraph 3.19)

Do you agree with the introduction of same-sex marriage, both religious and civil?

Yes  
No  
Don't know  

Please give reasons for your answer

Marriage is not defined by the state but by the creation ordinances of God. While the state can recognise and perform secular civil marriage ceremonies for people without a significant belief in God, it has not changed the fact that marriage is between one man and one woman making a covenant before the eyes of God. It is another thing to redefine marriage to make it mean the opposite of what it was made to be, and which ultimately
undermines what all (civil and religious) marriages are meant to be.

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<tr>
<th>Question 14  (Paragraphs 3.23 and 3.24)</th>
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<tbody>
<tr>
<td>Do you agree that religious bodies should not be required to solemnise same sex marriage?</td>
</tr>
<tr>
<td>Yes                     ☒</td>
</tr>
<tr>
<td>No                      ☐</td>
</tr>
<tr>
<td>Don’t know               ☐</td>
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Please give reasons for your answer

Comments
As a religious body that believes marriage, as founded and defined in the Bible, is only between a man and a woman and is the only recognised union to promote happiness, family and well-being in society; it would go against all convictions, sacred beliefs and conscience to not have an exemption for religious bodies in this way.

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<thead>
<tr>
<th>Question 15  (Paragraphs 3.25 and 3.26)</th>
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<tbody>
<tr>
<td>Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?</td>
</tr>
<tr>
<td>Yes                     ☒</td>
</tr>
<tr>
<td>No                      ☐</td>
</tr>
<tr>
<td>Don’t know               ☐</td>
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</tbody>
</table>

Please give reasons for your answer

Comments
In questions 15 and 16 there may be perceived an apparent contradiction, in believing that an individual minister should not be allowed to register a civil partnership if his religious body has not supported the registration of civil partnerships – on the grounds of maintaining unity in the body, not promoting harm and schism. While at the same time saying religious hierarchical body should not be allowed to require individual ministers to register civil partnerships, which would cause disunity. However, greater harm is caused in actively requiring a minister to go against conscience and convictions rooted in the Bible in performing what he believes is an immoral action; than to not permit a minister to do something that in his mind is morally ok but the body which he has submitted to leadership and spiritual authority has said it does not agree with.
Question 16 (Paragraphs 3.27 and 3.28)

Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?

Yes ☒
No ☐
Don't know ☐

Please give reasons for your answer

Comments

In questions 15 and 16 there may be perceived an apparent contradiction, in believing that an individual minister should not be allowed to register a civil partnership if his religious body has not supported the registration of civil partnerships – on the grounds of maintaining unity in the body, not promoting harm and schism. While at the same time saying religious hierarchical body should not be allowed to require individual ministers to register civil partnerships, which would cause disunity. However, greater harm is caused in actively requiring a minister to go against conscience and convictions rooted in the Bible in performing what he believes is an immoral action; than to not permit a minister to do something that in his mind is morally ok but the body which he has submitted to leadership and spiritual authority has said it does not agree with.

Question 17 (Paragraphs 3.29 to 3.33)

Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will?

Do you favour:
Option 1 ☐
Option 2 ☒
Neither ☐
Don’t know ☐

Please give reasons for your answer and if you have another option, please describe it.

Comments

If the Parliament proceeded to allow same-sex marriage and some religious bodies supported this move, then it would be better to make it an OPT-IN system rather than OPT-OUT. This protects those who do not wish to be involved from receiving pressure to do something against their conscience,
as they simply do not have the power to do it. Instead they can direct somewhere else. This best considers the practicalities of pastoral ministry and ecclesiastical politics for the individual dissenting minister.

Question 18 (Paragraphs 3.34 to 3.39)

Religious bodies may not wish their premises to be used to solemnise same-sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

Yes [ ]

No [X]

Don’t know [ ]

Please give reasons for your answer

Comments

It would be better to explicitly state this in legislation to not leave room for judicial interpretation and creeping development of the law on a case to case basis. The Parliament should make this intention clear from the outset. However, it should also make a practical qualification that if the premises are shared or jointly owned then the discretion to make the decision should be made locally by those involved.

It is vitally important that there are amendments to all the relevant legislation, stating that a church is not acting discriminatorily in this manner.

Question 19 (Paragraph 3.41)

If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?

Yes [ ]

No [ ]

Don’t know [ ]

Please give reasons for your answer

Comments

On balance and with some hesitation, we believe they should not remain available if same-sex marriage were to become law. It would mean that the law recognised two levels of commitment: partnership (which looks almost identical to marriage in most respects) and then the optional add-on of marriage. This would devalue marriage significantly and confuse the issue for future generations. It would also be bad for families, children and society
society, as strong marriages (as designed by God and defined in the Bible) form the bedrock for a healthy developing society.

Question 20 (Paragraph 4.19)
Do you have any other comments?

Yes ☒
No ☐

We are particularly interested in your views on:

- potential implications of the proposals for transgender people (paragraph 3.42)
- possible transitional arrangements (paragraphs 3.43 and 3.44);
- recognition of Scottish same sex marriages elsewhere (paragraphs 3.45 to 3.49);
- any comments on forced marriage (paragraphs 3.51 and 3.52)
- any comments on sham marriage (paragraph 3.53)
- potential financial implications (paragraphs 4.01 to 4.08);
- potential equality implications (paragraphs 4.09 to 4.14).

Comments
We appreciate 4.11-14 which states the Parliament’s respect for religious objections and the intention not to impose this legislative change on religious bodies. However, there is a more fundamental issue here: the destruction of the dignity and sanctity of marriage, as has been defined since the beginning of time. The best way to respect the meaning of marriage and the religious origins of marriage is not to attempt to change it in the first place. There should be a clear line of distinction and demarcation between the civil creation of civil partnerships for same-sex couples and the Biblical institution of marriage for a man and woman.

For the state to allow a religious civil partnership ceremony or same-sex marriage would blur the lines in practice (even if not in law) between marriage and the civil partnership. This would undermine the sanctity of religious marriage, and be de facto same-sex marriage by an alternative route.

There is presently sufficient provision in law to allow same-sex couples to have a legally recognised union, with corresponding rights, and to receive a religious blessing from faiths and institutions supportive of that lifestyle choice. The law would be overstepping its jurisdiction by trying to alter the institution of marriage which has a pedigree and proven value over the millennia since it was set out in creation and defined in the Bible. It would be wrong for the Scottish Parliament to try to change the created order for marriage as is plain in nature and also in the Bible.