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

This response is being made by Changing Attitude Scotland. Changing Attitude Scotland is a network of members of the Scottish Episcopal Church and ecumenical friends. Some of us are lesbian, some gay, some straight, some bisexual. We welcome everyone, lay and ordained, whose concern is to work for change in the church’s understanding of human sexuality.

We are conscious of the hurt that has been caused by the fact that those registering Civil Partnerships must do so in an environment which is utterly secular. Religious people have been denied any religious expression during the registration of their partnership.

Notwithstanding this, we are far from certain that those who have been hurt in this way would wish to have a religious civil partnership if marriage itself were available.

The priority must be to ensure that marriage is opened to gay couples.

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

England and Scotland have a different religious landscape. We do not find the prospect of registrars coming into religious premises attractive. If religious ceremonies are to be held they should be conducted by religious people.

Question 3  (Paragraphs 2.20 to 2.24)

Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

Yes  X

No

Don’t know

Please give reasons for your answer

Comments

If Civil Partnerships are allowed and are allowed in religious premises then it follows that religious celebrants should be able to witness their registration on the same basis that couples who are currently being married can have a religious celebrant conduct their wedding ceremony.

Question 4  (Paragraphs 2.20 to 2.24)

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

Yes  X

No

Don’t know

Please give reasons for your answer

Comments
Again, if Civil Partnership is retained and ceremonies permitted to include religious material then it follows that celebrants should be able to act on the same basis as for marriage which currently allows alternative venues.

Question 5  (Paragraph 2.25)

Do you agree that religious bodies should not be required to register civil partnerships?

Yes  X

No

Don’t know

Please give reasons for your answer

Comments

We agree with this but believe that it rightly sets up an expectation that no-one should be forced to do something that they disagree with. It must be the case that if this provision is made available to those opposed to civil partnerships the those in favour should not be forced (for example by their denomination acting with the force of law) not to celebrate them if they believe it to be a matter of conscience.

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  X

Don’t know

Please give reasons for your answer

Comments

All people who can register a marriage should all be allowed to register civil partnerships if they are retained.
Question 7 (Paragraphs 2.28 to 2.30)

Do you agree that individual religious celebrants should not be required to register civil partnerships?

Yes  X

No

Don't know

Please give reasons for your answer

Comments

No religious celebrant is currently forced to celebrate a marriage and none should be forced to register a civil partnership.

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  X

Neither

If you have another option, please describe it.

Comments

It would be morally wrong of government to set up a new registration system whose purpose was deliberately to affirm certain religious bodies in their discrimination against gay and lesbian couples.
Question 9  (Paragraphs 2.36 to 2.40)

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  X
No
Don’t know

Please give reasons for your answer

Comments

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  X
No
Don’t know

Please give reasons for your answer

Comments

The time has now come to allow gay and lesbian couples to enter into marriage. As Scottish Episcopalians we warmly welcome this proposed change in the law and will be working with others to ensure that the Scottish Episcopal Church can take advantage of it as soon as possible.
Question 11  (Paragraph 3.13)

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

Yes  X
No
Don’t know

Please give reasons for your answer

Comments

We agree with this but believe that it rightly sets up an expectation that no-one should be forced to do something that they disagree with. It must be the case that if this provision is made available to those opposed to civil partnerships the one should not be forced (for example by their denomination) not to celebrate them if they believe it to be a matter of conscience.

Question 12  (Paragraphs 3.14 to 3.18)

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

Yes
No  X
Don’t know

Please give reasons for your answer

Comments

The introduction of same-sex civil marriage only would mean that gay and lesbian people were being discriminated against because of their religious beliefs.
Question 13  (Paragraph 3.19)

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

Yes  X  
No   
Don’t know

Please give reasons for your answer

Comments

The goal that we work towards is equality for gay and lesbian people. Whilst we have a particular focus in the Scottish Episcopal Church, our concerns are wider than that. Equality before the law should be the aim of the Scottish Government.

Question 14  (Paragraphs 3.23 and 3.24)

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

Yes
No
Don’t know  X

Please give reasons for your answer

Comments

We believe that religious bodies should not be given special opt-outs. If people are able to marry opposite sex-couples we strongly believe that legally there should be nothing to prevent them from also being able to marry same-sex couples.

To give religious bodies an automatic veto on their own celebrants being able to legally marry same-sex couples is as unacceptable as allowing religious bodies to ban their clergy by legal definition from being able to marry mixed race couples or those from different religious traditions.

We note that religious bodies have held both these positions in the past. The law should not encourage such discrimination.
Question 15 (Paragraphs 3.25 and 3.26)

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?

Yes

No  ✗

Don’t know

Please give reasons for your answer

Comments

This matter should be something that is left to the internal discipline of the religious body.

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

We also, of course, believe that the state should not make provision for whole denominations as denominations to opt out of this legislation.

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  X

Option 2

Neither

Don't know

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

Comments

We need no new structures, particularly if new structures are predicated on discrimination.

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  X

No

Don't know

Please give reasons for your answer

Comments

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  X
Please give reasons for your answer

Comments

We are aware of people who would wish to remain in civil partnerships and not get married. We are also aware of those who claim that they know straight couples who would prefer civil partnership to marriage. We are aware too of those who believe that civil partnership is inherently based on discrimination and for that reason alone should be phased out.

Question 20  (Paragraph 4.19)

Do you have any other comments?

Yes  X
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 are aware of the disappointing response made by the Faith and Order Board of the Scottish Episcopal Church to this consultation. We believe that response to be an inadequate one in that whilst it acknowledges that there is some diversity of opinion in the church over these questions the response itself does not model that diversity nor represent the views of many members of the church. We do not believe that this response has been approved by the Standing Committee of the General Synod of the Scottish Episcopal Church and believe that it does have the force of the authority of the General Synod behind it.

We believe that it is impossible to say what the Scottish Episcopal Church thinks about the possibility of opening marriage to same-sex couples on the basis of current Canon Law. Such a determination could only be made by General Synod considering the question directly. When the current Canon on marriage was formulated it was inconceivable that a Scottish Government could be proposing these changes to the law of the land. For that reason, it is completely unreasonable of the Faith and Order Board to reply that the Scottish Episcopal Church is not in favour of change. A much more appropriate response would have been to say that the Church does not know and in the course of this consultation had no opportunity to come to a view.

The response that the Faith and Order Board has made has no internal logic to it as it relies solely on the definition of marriage in Canon 31 of the Scottish Episcopal Canons. (a physical, spiritual and mystical union of one man and one woman created by their mutual consent of heart, mind and
will th ere to, a nd as a h oly and lifel ong estate i nstituted of God), yet the church re gularly marri es people whose li ves are no t re flected in thi s definition. So long as the church marries divorcees, it is hypocritical to say that it is by de finition a gainst the opening up of mar riage to same-sex couples on the basis of Canon 31 alone.

We note that, despite the ir rel iance on ma rriage as cu rrently de fined by Canon 31, the Faith and Order Board has recognised within its response that there is a process within the Scottish Episcopal Church for changing Canon Law when it is appropriate to do so. We would welcome the opportunity to work for this change in the knowledge that marriage equality within the Church would be reflected by marriage equality under the law.

It is striking that the response of the Faith and Order Board makes almost no mention of the liturgies of the Church. We believe that our faith and doctrine are taught in our liturgical life. It is there that faith is formed. It is there that our doctrine finds life.

It is certainly possible to say that some Scottish Episcopalians are against same-sex marriage. It is not credible to assert that the church as a whole is opposed to this move. We know gay people who work at every level in the church. We know gay and lesbian pe ople, man y of whom are in partnerships, who live h ol y, fu lfilled lives in congregations thro ughout Scotland. We know that many people are disappointed by the Response of the Faith and Order Board. We know many people in the Scottish Episcopal Church who are longing for the law to change and who will work to ensure that the Church is able to take advantage of the change in the law when it comes.

We are shocked that the Faith and Order Board chose to respond to this consultation without apparently meeting with any out gay or out lesbian people. We are also shocked that there does not seem to have been any out gay or lesbian person involved in formulating the response. We belong to a church with competent gay and lesbian clergy, some of whom are in partnerships who have been blessed in church and a church which includes several skilled theologians who happen to be gay or lesbian.

It is inconceivable that the Scottish Episcopal Church can find a way to remain united and focused on its mission to bring good news to the people of Scotland whilst ignoring, silencing and marginalising the voices of its LGBT members.

We believe that there is only one answer to the threat of schism in the Scottish Episcopal Church over the question of how to deal with LGBT issues. The resolution to these problems will only be found when those of differing views agree to live with that difference and agree that they will live together without punishing one another for their different readings of the Bible. We are convinced that our unity will only be found as the church as a group of diverse people look together towards Jesus Christ.

The more that church committees and structures insist that there can only be one view for all Anglicans on matters of human sexuality the more vulnerable and imp overished those committees and structures become. Our unity will not be found in covenants, belief tests, proof texts from the Bible, the opinions of bishops or the posturing of Archbishops. Our unity will only ever be found in Christ.

It is in the name of Christ that we declare ourselves to be in favour of opening mar riage to same-sex couples. It is precisely because we are Christians with a love of the Bible, a desire for justice and a passion for the mission of the church that we seek to support this change. We believe that many in the Scottish Episcopal Church share our convictions.