Consultation Questions
Registration of civil partnership | Same sex marriage: a consultation

**Question 1: Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?**

Yes, It is fair and reasonable that registration of civil partnerships should be made available to people regardless of religion or non-religion, and that the promises made by couples in the process of registration should be in a form that most accurately reflects the depth of their commitment. For some that will have an irreducible religious component, and this should not be excluded (as it is by present arrangements) from the choices available to the couples concerned. In this context, we see no contradiction between "civil" and "religious" commitments. A civic process may either include or not include a religious ceremony or element, with no compulsion either way.

**Question 2: Do you think that the**

No, For reasons consistent with religious and civic freedom, and our answer to Question 1, we do NOT agree that proposals for the registration of civil partnerships in Scotland should exclude the use of a religious service while a civil partnership is being registered; should prohibit the registration being led by a minister of religion or other
| Question 3: Do you agree with allowing religious celebrants to register civil partnerships in religious premises? | Yes, This provision allows couples who wish to have their registered civil partnership carried out by a religious celebrant on religious premises, but where the parties involved do not see this as equivalent to marriage, to do so. |
| Question 4: Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple? | Yes, Religious celebrants and couples entering a civil partnership may reasonably wish to register the partnership in other places agreed between the celebrant and the couple for personal, religious or family reasons. This could include the non-recognition of civil partnerships by a religious body to which they are affiliated. |
| Question 5: Do you agree that religious bodies should not be required to register civil partnerships? | Yes, Non-compulsion in these issues, for both individuals and free associations in the public square, is a matter of fundamental religious and civic freedom. |
| Question 6: Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships? | No, The freedom of conscience of the religious celebrant and the registering couple should be allowed and recognised by the civic authorities, but without compulsion on the religious body to which they are affiliated. |
| Question 7: Do you agree that individual religious celebrants should not be required to register civil partnerships? | Yes, Again, this should remain a matter of religious and civic freedom and conscience for the individual. |
| Question 8: Which of the options do you favour to ensure that religious bodies and celebrants do not | Option 1, Our reason for favouring Option 1 is that, in our view, it is preferable that the legal provisions in regard to civil partnership be equivalent, insofar as possible and appropriate, to those for marriage. |
**Question 9:** 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, Where there is a disagreement about the use of religious premises not determined by legal ownership (e.g. on rented or gifted premises) we believe it would be preferable to allow disagreements of this nature to be resolved at a local level, through discussion and mediation, rather than by making further legislation. This allows issues to be discussed between the parties involved and solutions reached by civic rather than statutory means. We note that discernment, mediation and reconciliation by agreement are core values in many religious bodies.

**Question 10:** Do you agree that the law in Scotland should be changed to allow same sex marriage?

Yes, Many same-sex couples, religious and non-religious, see marriage as involving a deeper commitment or realization than a civil partnership (whether religiously or non-religiously conducted and registered), and therefore wish to enter a lifelong union characterised in this way. We see no reason why the civic authorities should deny them this possibility by means of subscribing to a particular religious view. Rather, it is consistent with non-interference of the state in religious affairs that it should make provision for all in the matters of both civil partnership or civil marriage.

**Question 11:** Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Yes, Non-compulsion in these issues, for both individuals and free associations in the public square, is a matter of fundamental religious and civic freedom.

**Question 12:** Do you agree with the introduction of same-sex civil marriage only?

No, The state should neither require nor preclude religion or non-religion in the matter of marriage. (Our broader understanding of "civil" is that it pertains to civic life, which should be open to all, whether religious or non-religious).

**Question 13:** Do you agree with the introduction of same-sex marriage, both religious and civil?

Yes, For the reasons stated in answer to Question 12 (above).

**Question 14:** Do you agree that religious bodies should not be required to solemnise same sex marriage?

Yes, Non-compulsion in these issues, for both individuals and free associations in the public square, is a matter of fundamental religious and civic freedom.

**Question 15:** Do you consider that
**Question 16:** Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?

No, The freedom of conscience of the religious celebrant and the couple wishing to be married should be allowed and recognised by the civic authorities, but without compulsion on the religious body to which they are affiliated.

**Question 17:** 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?

Option 1, In our view, it is preferable that the law in regard to same-sex marriage be equivalent to that for opposite-sex marriage.

**Question 18:** 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, Where there is a disagreement about the use of religious premises not determined by legal ownership (e.g. on rented or gifted premises) we believe it would be preferable to allow disagreements of this nature to be resolved at a local level, through discussion and mediation, rather than by making further legislation. This allows issues to be discussed between the parties involved and solutions reached by civic rather than statutory means. We note that discernment, mediation and reconciliation by agreement are core values in many religious bodies.

**Question 19:** If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?

Yes, Many people, for both religious and non-religious reasons, regard marriage as a more solemn and sacred commitment than a civil partnership. We recognise that understandings of, and meanings ascribed to, the two may differ considerably in both religious and non-religious circles. It is best that the civic authorities do not impose one meaning or understanding, leaving it instead to the parties and bodies involved – or withholding their involvement.

Yes, Our comments are in our area of specialism - namely the religious disputes which have surrounded the Scottish government's proposals: We fully recognise that while some religious bodies (including Quakers, Unitarians, Pagans and Liberal Judaism) have stated their willingness to recognise, authorise and/or conduct same-sex marriages, some larger Christian bodies (including the Roman Catholic Church, the Church of Scotland and the Episcopal Church) have expressed the view that
Question 20: Do you have any other comments?

marriage in traditional Christian understanding is reserved for opposite-sex couples. However, there remain many theologians, ministers of religion and reflective adherents who take a different view, and who believe that the core components of marriage (love, lifelong faithfulness, mutual creativity even where procreativity is not possible, and related virtues) can and should be extended to same-sex couples as a legitimate extension of ecclesial and scriptural tradition. There are correspondingly and differently varied views of marriage in other religious traditions outwith Christian ones. In our view it is not for the state to determine or arbitrate such debates by requiring religious bodies to abandon their specific traditions, views and practices. This is why non-compulsion should remain a central principle in achieving suitable legislation for civil same-sex marriage. By the same token, it is not appropriate that individual religious bodies should require those who are not adherents to operate according to their codes and beliefs alone, by seeking to superimpose those views on civic arrangements; or that they should seek to deny the freedom of non-adherents to construe (and enter into) civil partnership or marriage in other contexts and settings, either religious or non-religious. In 2006, Ekklesia published a detailed paper entitled "What Future For Marriage?" (http://www.ekklesia.co.uk/research/papers/rethinkmarriage), which provides the full context for this response. Our overarching view is that it would be preferable, on both civic and theological grounds, for the civic authorities to offer a range of civil partnership / marriage options, and for religious bodies to be left free to decide which to bless and endorse in terms of their own beliefs, commitments and ceremonies. The starting point of this consultation is different, but the effect of what the Scottish government is proposing is broadly consistent with this - allowing freedom of expression and conscience to those of differing convictions and commitments, while upholding the possibility, means (and, we would say, desirability) of lifelong unions as a context in which love, faithfulness, justice, human flourishing and the nurturing of family and community can take place. Ekklesia (http://www.ekklesia.co.uk/about) is an independent think-tank seeking to examine the social, political and cultural role of religion, beliefs and values in a creatively critical way. It also aims to advance ideas in a range of policy areas from a forward-thinking, theologically resourced perspective. Ekklesia is deeply rooted in the Christian tradition, but not tied to any one denomination or major church body.

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