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

As part of the Methodist Connexion across England, Scotland and Wales, the Methodist Church in Scotland cannot take a position on issues which have previously not been addressed through its governance structures to the Methodist Conference which meets only once a year. Therefore, we are not in a position to respond conclusively to this consultation and base this response on the Churches' position based on previous statements. However, the Methodist Church has already responded to the England and Wales consultation, based on a Methodist Conference decision on using Methodist premises to bless Civil Partnerships, stating that “it is unlikely that Methodist Church would allow its premises to be used to register Civil Partnerships”. While the permissive nature of the proposed legislation, on the face of it, does not appear to threaten the Methodist Church position it is likely to be a divisive issue for Methodists both within and without the Church. The process of consultation and decision making within the denominations could take up to 2 years.

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.
The Methodist Church has already responded to the England and Wales consultation, based on a Methodist Conference decision on using Methodist premises to bless Civil Partnerships, stating that “it is unlikely that Methodist Church would allow its premises to be used to register Civil Partnerships”. While the permissive nature of the proposed legislation, on the face of it, does not appear to threaten the Methodist Church position it is likely to be a divisive issue for Methodists both within and without the Church. The guidance provided to our ministers is that: “If a request is received to conduct prayers for a same-sex couple the person approached should respond sensitively, pastorally and with due regard to established good practice. Good pastoral practice means welcoming each couple and treating them with respect. Within these principles, no minister or layperson is required to act in any way contrary to her or his own conscience. The Conference trusts and respects the integrity of those responsible for responding to couples requesting prayers or a ‘service of blessing’, particularly when offering informal, spontaneous prayer in response to a pastoral need. However, nothing should be said or done which misrepresents the Church’s beliefs or discipline, and for this reason Methodist premises may not be used for the blessing of same-sex relationships.”

Question 3 (Paragraphs 2.20 to 2.24)

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

Yes ☐
No ☒
Don’t know ☐

Please give reasons for your answer

Comments

This would go against the Methodist Conference resistance to permitting the blessing of civil partnership on Methodist premises.
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  ☐
No  ☐
Don’t know  ☒

Please give reasons for your answer

Comments

This is an issue for individual faith groups and is an issue beyond the scope of any previous consultation within our denomination. However, in light to our position in response to Question 2 it would be inconsistent to agree. There is a wide spectrum of opinion within the Methodist Church and therefore any process on arriving at a decision on such an issue is likely to be divisive. While we have no conclusive position on this issue this is already an area of concern in Scotland as Methodist ministers from across our Connexion regularly conduct marriages in Scotland outside Methodist church buildings. As practices in the rest of the UK differ there is already scope for various interpretation of our position. The guidance provided to our ministers is that: set out in response to Question 2.

Question 5  (Paragraph 2.25)

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

Yes  ☒
No  ☐
Don’t know  ☐

Please give reasons for your answer

Comments

Religious bodies' opinions on this issue should be respected and it would be immoral to coerce them to act against their sincerely held beliefs and counter to religious freedom
**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**

This is an issue beyond the scope of any previous consultation within our denomination. However, in light to our position in response to Question 2 it would be inconsistent to support allowing religious celebrants to register civil partnerships if their religious body has decided against registering civil partnerships. There is a wide spectrum of opinion within the Methodist Church and therefore any process on arriving at a different decision on such an issue is likely to be divisive and take some time. However, there may be occasions when celebrants are given the freedom by their religious body to act on such matters on their own conscience, while the body as a whole has decided against, but this should then firstly be explicitly allowed within that body’s policy.

**Question 7 (Paragraphs 2.28 to 2.30)**

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

- Yes ☒
- No
- Don’t know

Please give reasons for your answer

**Comments**

Religious celebrants’ position on this issue should be respected and it would be immoral to coerce them to act against their sincerely held beliefs and counter to religious freedom.
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

This is a complex issue which is over simplistically approached by the 2 options offered. Each religious body has its own structures and governance and it is unlikely that either of the 2 options or any other single option offered would suit all religious bodies.

There may need to be a far broader and tailored approach taken or a more fundamental approach to the issues adopt ed. For example legislation could continue debarring religious bodies and celebrants from registering civil partnership and keep this a purely civil matter and extending this to marriage. Religious bodies would then be freed to solemnise the partnerships if they so wished without being part of the formal registration process. However, this is still likely to raise intense issues for some religious bodies which consider the act of marriage as a central sacrament within their faith and, while perhaps having a wide spectrum of opinion on the stature of civil partnerships within their faith communities, would find any further changes to the marriage laws intolerable.

There are specific issues for religious bodies when we are in partnership with other religious bodies either at national or local level if these bodies adopt differing polices on these issues. We can foresee this could lead to extreme tensions and possibly the breaking up of partnerships if not handled carefully. It could even lead to further sectarianism and schisms within and between religious bodies.

As well as creating tensions within religious bodies there is the potential for significant tension between different religious communities in Scotland and could compromise community harmony and in the extreme lead to a growing rather than diminishing sense of sectarianism.

In the case of the Methodist Church there is the potential for significant complications for us if legislation is passed in Scotland that does not match that in the rest of the UK in this area, as it could impact on the polity and discipline within our tradition if practices in Scotland emerge that differ from those in the rest of the UK.
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<thead>
<tr>
<th>Question 9  (Paragraphs 2.36 to 2.40)</th>
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<td>Religious bodies  may not wish  th eir 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?</td>
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<td>Yes ☐</td>
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<td>No ☒</td>
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Please give reasons for your answer

**Comments**

This needs to be stated explicitly in any legislation to avoid any subsequent action/accusation that religious bodies are behaving in a discriminatory fashion should they refuse to register civil partnerships or have their premises used for such purposes.
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

Any such change to the law could not be supported by Methodist Church without being fully debated by the Methodist Conference.

There are also key issues around the impact such a change in Scottish law would have across the UK and from a Methodist perspective would require support from across the UK.

There will be a spectrum of opinion across religious bodies on this issue which will lead to tensions both within and between these bodies. If same sex marriage is to become law, it is doubtful whether a civil definition of “marriage” is one that would be recognised by many established religious bodies. The Methodist definition of marriage is: “marriage is a gift of God and that it is God's intention that a marriage should be a life-long union in body, mind and spirit of one man and one woman.”.

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

Comments

Religious bodies and celebrants’ opinion on this issue should be respected and it would be immoral to coerce them to act against their sincerely held beliefs and counter to religious freedom.
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

Comments

The Methodist Church could only take a position on this issue if it were first fully debated through the Methodist Conference and its governance structures.

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

Comments

The Methodist Church could only take a position on this issue if it were first fully debated through the Methodist Conference and its governance structures.

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 

Please give reasons for your answer

Comments

Yes.
**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 [x]
- No
- Don’t know

Please give reasons for your answer

**Comments**

Normally, religious celebrants should comply with the policies and discipline of their religious body. However, there may be occasions when celebrants are given the freedom by their religious body to act in such matters on their own conscience, while the body as a whole has decided against, but this should then firstly be explicitly allowed within that body’s policy.

**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 [x]
- No
- Don’t know

Please give reasons for your answer

**Comments**

Religious celebrants’ opinions on this issue should be respected and it would be immoral to coerce them to act against their sincerely held beliefs. There is precedent for this on other issues. However, there should be explicit legislation to this effect. This needs to be stated explicitly in any legislation to avoid any subsequent action or accusation that religious bodies are behaving in a discriminatory fashion.
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
This is a complex issue which is over simplistically approached by the 2 options offered. Each religious body has its own structures and governance and it is unlikely that either of the 2 options or any other single option offered would suit all religious bodies. There may need to be a far broader and tailored approach taken or a more fundamental approach to the issues adopted. For example legislation could continue debarring religious bodies and celebrants from registering civil partnership and same sex marriage and making this a purely civil matter and extending this to marriage between a man and a woman. Each religious body would then be free to solemnise the partnerships if they so wished. However, this is still likely to raise intense issues for some religious bodies which consider marriage as a central sacrament within their faith and who have a wide spectrum of opinion on the stature of marriage within their faith communities. There are a number of intensely argued theological position on marriage, sexual relationships and the family. For many the introduction of same sex marriage attempts to rewrite the long established views of the family and the place of marriage within this context. The proposed legislation does not address the wider issues of the effect on family life and relationships in society, and some would consider it has the potential to undermine the fabric of communities built up over many centuries.

As well as creating tensions within religious bodies there is the potential for significant tension between religious communities in Scotland and could compromise community harmony and in the extreme lead to a growing rather than diminishing sense of sectarianism.

There are specific issues for religious bodies when we are in partnership with other religious bodies either at national or local level if these bodies adopt differing polices on these issues. We can foresee this could lead to extreme tensions and possibly the breaking up of partnerships if not handled carefully. It could even lead to further sectarianism and schisms within and between religious bodies.
In the case of the Methodist Church there are significant complications for us if legislation is passed in Scotland that does not match that in the rest of the UK in this area as it could impact on the polity and discipline within our tradition if practices in Scotland emerge that differ from those in the rest of the UK.

**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 ☒
- Don’t know

Please give reasons for your answer

**Comments**

This needs to be stated explicitly in any legislation to avoid any subsequent action/accusations that religious bodies are behaving in a discriminatory fashion.

**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**

A far broader debate on wider issues is required before this can be answered – the nature of civil partnership in relation to marriage and its place in a progressive society needs to be reviewed before any move to introduce a new form of relationship that redefines marriage beyond being a union between a man and a woman is introduced.
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

Quoting from the Methodist Church response to the UK Governments consultation in England on the use of religious premises to register civil partnerships which is the base position we hold in this consultation:

“We are grateful for the opportunity to respond to this consultation. The Methodist Church in Britain is one of the largest Christian churches serving Great Britain, with nearly 241,000 members and regular contact with over 550,000 people. It has 5,237 churches in Great Britain, and also maintains links with other Methodist churches totalling a worldwide membership of 70 million.

The Methodist Church recognises that some sister churches wish to be able to register civil partnerships on their own premises. We value the importance of religious freedom, and welcome the fact that the proposed changes are permissive, in that they allow each denomination, independent church or faith group to act in accordance with its own understanding of its calling.

Within the Methodist Church there is a spectrum of beliefs about human sexuality. In 2006 a report to the Methodist Conference, the governing body of the Methodist Church, stated: “All Christians are called to love and care for one another, irrespective of their sexuality, but ministers and lay people alike differ in their perception of a sexual relationship between two people of the same sex. Some regard such a relationship as sinful, whilst others think that it should be judged by its permanence, love and faithfulness. Those who perceive such a relationship as sinful will find it impossible to pray for God’s blessing upon it. Others, perceiving the blessing of God in the love and faithfulness of the relationship, will wish to pray for God’s continuing blessing.”
The Methodist Conference has confirmed that, whilst there is no reason a Methodist cannot enter into a Civil Partnership, Methodist premises may not be used for blessing Civil Partnerships. As such it is therefore unlikely that the Methodist Church, through the Methodist Conference, would give consent for Methodist premises to be used to register Civil Partnerships.

However should the Methodist Conference decide at some point in the future that it would give its consent for the managing trustees of Methodist premises to apply to register Civil Partnerships, we would want any regulations to reflect the needs of and realities for Methodist churches. We are responding to this consultation, therefore, not because the Methodist Church plans to give consent to churches seeking to register Civil Partnerships, but because we wish to highlight theoretical issues for our churches in implementing the proposed regulations, and the most appropriate time to comment on changes is during a period of consultation.”

This consultation, by introducing the possibility of “same sex marriage”, opens up wider more fundamental issues for the Methodist Church. There are far wider issues about the nature of our community, religious communities within society, families and broad relationships, both personal and cultural, that would be impacted should this proposed legislation be pursued that are not covered by this consultation. This consultation is not a holistic but purely a legalistic approach to the subject and does not address the issues faced by our society today which in part centre on a redefinition of what family is and its place in all our lives.

The Methodist Church, like most other religious communities, see the family and marriage as central to our traditional social structures. Marriages conducted “in the sight of God” as part of a religious sacrament is not only between a man and a woman but is a three way relationship as it also involves a relationship with God. For Methodists (and most other faith groups) the proposed legislation would redefine not only marriage but what it is to be family without looking at the broader issues this raises within society.

There is a hint in the consultation of the implications for transgender people as well as those in same sex relationships if this proposal is taken forward. However, many others will be impacted by such legislation. For example the relationship of couples in same sex marriage to the broader family (eg parents and children). These wider relationships are not even hinted at in this consultation on the proposed legislation. How would we view the nature of relations hip within these much broader relationships? Much of society is defined by long standing stereotypical models of what it is to be a man or a woman. How would such legislation impact upon this in terms of roles within families and society as a whole? How would these proposals fundamentally redefine what it is to be either a man or woman in modern culture and society and what are the medium and long term implications?

There are also specific issues for religious bodies when we are in partnership with other religious bodies either at national or local level if our
bodies adopt differing policies on these issues. We can foresee this could lead to extreme tensions and possibly the breaking up of partnerships if not handled carefully. It could even lead to further sectarianism and schisms within and between religious bodies.

For the Methodist Church it is important to recognise that we are part of a UK wide Connexion and our policies, polity and discipline transcends the three nations. It would be very difficult to formulate policy in this area within our denomination if secular legislation across those three nations was significantly different in this important aspect of our lives together.

As a Connexion we would be most concerned about the following issues:

- The potential impact on relationships within and between faith groups as well as with the broader communities of our nations.
- By redefining marriage, this raises questions about the role and meaning of marriage in society and could further undermine the family as our principle building block within our communities.
- The risk of legal challenges, in the future, to religious bodies and individuals who do not opt in on the basis of perceived discriminating.