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  x[□]
Don’t know  □

Please give reasons for your answer.

Comments

Such a change is unnecessary. Civil partnerships should be registered civilly. Changing the legislation will cause undue pressure on those religious bodies who do not agree to register civil partnerships, which will become subject to charges of homophobia and to challenges in the courts under equality legislation.

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  x[□]

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

The permission will become an obligation before long and will cause recourse to the courts. See my answer to question 1.

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

See my answer to Question 1.
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

If they were, this would be an outrageous and egregious interference in legitimate 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  x
No  
Don't know  

Please give reasons for your answer
The Government has no business introducing disunity and dissent in religious bodies.

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

No one should be required to register civil partnerships against their conscience or against religious freedom, whether they are religious celebrants or civil servants.

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 x
If you have another option, please describe it.

Comments

See my answer to question 1. I am not prepared to consider options about how religious celebrants might be registered (or not) as celebrants of civil partnerships.

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  ☐

No  ☑

Don’t know  ☐

Please give reasons for your answer

Comments

If religious bodies are permitted to register civil ceremonies, pressure will be exerted on those which do not wish to do so. It may therefore be necessary to protect their premises by law.
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 x □
Don’t know □

Please give reasons for your answer

Comments

Marriage is the union of a man and a woman so that children can have a father and mother. This is recognised in all cultures, in all the great world religions, and in the Universal Declaration of Human Rights as one of the basic structures of civilised co-existence. Government has no business changing the definition of marriage. This would be an act of cultural vandalism.

Marriage has its own identity. Same sex marriage does not fit that identity. It cannot be what marriage is and cannot do what marriage does. Same sex union should not be called marriage.

If the Government wishes to protect certain other relationships, it can do so within another category. At present, civil partnerships guarantee to people of the same sex all the rights of marriage, apart from a few technical details which can be supplied without calling same sex unions “marriage”.

Just because marriage and civil partnerships are both relationships does not mean they are both marriage. A car and train are both means of transport but that is not a reason to call a car “train” or train “car”. You would not call your Dad “Mum” or your Mum “Dad”. There is an essential congruence between words and reality. To change the definition of marriage in include a man marrying a man or a woman marrying a woman is to indulge in a kind of Alice-in-Wonderland game with words, a kind of degenerate nominalism.

The number of civil partnerships is in decline in Scotland from a high of 1074 to 465 in 2010. This indicates that there is no consistent demographic basis to think that there are enough same sex people who wish to commit legally and publicly to each other to warrant a change in the settled definition of marriage.

And finally, the fact that same sex marriage has been introduced in other jurisdictions does not mean that Scotland should imitate bad practice elsewhere.
Question 11  (Paragraph 3.13)
Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?
Yes  
No  x
Don’t know  
Please give reasons for your answer

Comments
See my answer to question 10.

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
Same sex marriage is unwarranted and unnecessary both in a religious context and in a civil context.
Question 13  (Paragraph 3.19)
Do you agree with the introduction of same-sex marriage, both religious and civil?

Yes  □
No   x□
Don't know □

Please give reasons for your answer

Comments
See answers 10-12

Question 14  (Paragraphs 3.23 and 3.24)
Do you agree that religious bodies should not be required to solemnise same sex marriage?

Yes  x□
No  □
Don't know □

Please give reasons for your answer

Comments
It is beyond the powers of Government in a democratic state to require religious bodies to solemnise same sex marriage. This would be an egregious and outrageous offence against legitimate religious freedom.
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

It is no business of Government to interfere in the internal business of religious bodies, or to introduce disunity or dissension in these bodies.

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

No one should be required to solemnise same sex marriage against their
conscience and religious freedom.

**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 x
- Don’t know

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

**Comments**

See my answer to question 10. I am not prepared to consider options for registering religious bodies and celebrants to be allowed (or not) to solemnise same sex marriages. These options are framed in such a way as to constitute pressure on religious bodies to solemnise same sex marriages or actively opt out.

**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

Legislation might be required to protect the premises of those religious bodies which have decided not to solemnise same sex marriage.

<table>
<thead>
<tr>
<th>Question 19  (Paragraph 3.41)</th>
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<tr>
<td>If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?</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

Scotland should not introduce same sex marriage, but if same sex unions are considered by the state to be worth protecting and legislating for, then civil partnerships is the way to do it.

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<th>Question 20  (Paragraph 4.19)</th>
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<td>Do you have any other comments?</td>
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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

The introduction to Scotland of same sex marriage is both unwarranted and unnecessary.

I am very disappointed that the Scottish Government should be planning to introduce same sex marriage.

Apart from anything else, this is surely an unnecessary political gamble for the Scottish Government.