1. Introduction

1.1 The Salvation Army appreciates the opportunity to respond to the Governments The Registration of Civil Partnerships Same Sex Marriage consultation.

1.2 The Salvation Army is a Christian Church and one of the largest charities in the UK, helping thousands of vulnerable people each day. Our mission statement says that we will ‘meet human needs…without discrimination’. Our services are freely on offer to all, regardless of gender, race or sexual orientation. We have an Equality and Diversity Policy which covers all protected characteristics under equality law and which applies to every aspect of our service provision.

2. General Response

2.1 To offer some background to the Salvation Army’s comments we would point out that in our response to Civil Partnerships A framework for the legal recognition of same-sex couples we stated “The Salvation Army recognises that same-sex couples face unacceptable injustices in certain aspects of their lives and there is much in the Executive’s specific proposals that the Salvation Army would support. For instance, individuals should have the right to nominate whomever they wish to act as their ‘next of kin’ in various situations and provision should be made for that to be done easily and speedily. Disposal of personal assets should also be a responsibility for individuals to decide”.

2.2 However, we further stated “The Salvation Army cannot agree with the procedure for registering or terminating a partnership (6.20 & 6.26) which is very similar to that of marriage. We made that comment because the Salvation Army’s view, as part of the mainstream Christian church, is that marriage, as the cornerstone of society, can only exist between a man and woman. Given that, we also believe that marriage is a relationship that is different and special to any other human relationship”.

2.3 In a further response, to the Family Matters Improving Family Law in Scotland we commented “We agree with the Executive when they state ‘Marriage is the basic institution on which family law is based. It brings with it a comprehensive set of rights and responsibilities that has evolved over many years and have equity between parties at the core’. We hold to the principles regarding the importance of marriage and family life and their unique place in society. This opinion is supported by the data contained in Research Findings No 43/2004”.

2.4 Because of this we were persuaded – and it still remains the case – that marriage is vital to society’s wellbeing and that it should be both protected and promoted and that attempts to equate other relationships with marriage are unhelpful.

1 Civil Partnerships A framework for the legal recognition of same-sex couples response December 2003
2 Family Matters Improving Family Law in Scotland response July 2004
2.5 The Salvation Army believes that human sexuality is part of God’s creation and as such it is good and to be celebrated. Like the rest of creation and human life, the use of our sexuality can fall short of God’s intentions and be misused. We would accept that human sexuality includes a mix of identity, feelings and behaviours that are not always fully understood by the individual concerned or by society as a whole. Sexual identity is widely accepted to be unchosen by the individual. The Salvation Army believes that it is wrong to discriminate against anyone in the provision of goods and services, and social and pastoral care because of their presumed or declared identity.

2.6 In framing our response to the consultation, rather than respond to each question we are making substantive general comments. We note that the consultation is in two sections dealing with both civil partnerships and same-sex marriage.

3. Registration of Civil Partnerships in religious premises

3.1 We note the Government’s initial view that civil partnership legislation should be changed (2.12 and 2.13) to allow civil partnerships to be registered within a religious ceremony and note (2.31) the suggestions that they have identified ‘two ways to ensure that religious bodies and celebrants do not carry out civil partnerships against their will’.

3.2 We are not persuaded by the Government’s arguments that Churches wish to provide this facility. No evidence for this proposal is made available and therefore The Salvation Army cannot agree with the proposed procedures for changing the law to allow celebrants to recognise and register civil partnerships. To our mind the options proposed remove and do not take account of the distinctions celebrants bring and what religious ceremonies are about within the pastoral setting of ministry.

3.3 If the Government insists on moving in this direction we would want to ensure that the provision outlined in section 2.34 of the consultation paper is vigorously enshrined in law and upheld. We would be concerned that challenges would be forthcoming under Equalities legislation and that celebrants, against their will, could be compelled to conduct same-sex partnerships in a religious ceremony or in a building set aside for divine worship.

4. Same Sex Marriage ceremony conducted in religious premises

4.1 The positional statement of the Salvation Army clearly states “The Salvation Army believes that God ordained marriage to be an exclusive and lifelong relationship between one man and one woman which is characterised by mutual submission, respect, self-giving love, faithfulness and openness to each other. It is a holy relationship, sanctioned and blessed by Christ”

4.2 Whilst acknowledging that human imperfections may make it difficult to reach the goal enshrined in our previous comments, nevertheless we believe the

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3 The Salvation Army United Kingdom Territory with the Republic of Ireland Positional Statement on Human Sexuality, revised November 2010
4 The Salvation Army United Kingdom Territory with the Republic of Ireland Positional Statement Marriage Positional Statement, June 2011
state has a duty to provide a just and legal framework to support the status of marriage and to encourage the maintenance of secure and happy family life. For its part, The Salvation Army seeks to fulfill its own duty to nurture marriage by biblical teaching, pre-marriage preparation classes, marriage enrichment seminars and skilled, compassionate pastoral care.

4.3 We note the comment (3.23) ‘The Government does not consider that religious bodies should be obliged to solemnise same sex marriage against their will’. We welcome this, and given our previous comments on what constitutes marriage we would not be able to recognise any other relationship, outside of ‘an exclusive and lifelong relationship between one man and one woman’ as marriage.

4.4 We note that the consultation expresses the desire that where a celebrant, and with agreement of the religious body to which they belong, ought to be allowed to conduct a religious ceremony on behalf of same sex couples. We would point out that the discipline of The Salvation Army requires all ordained officers to accept the decisions of the denomination. They are bound by regulation to adhere to prescribed standards and moral codes and under no circumstances would they be allowed to deviate from our regulations.

5. Other matters

5.1 We note the commitment of the Scottish Government to undertake a further consultation if they decide to move towards legislation on these issues (4.09).

6. Conclusion

6.1 When the previous consultation around same sex partnerships took place it was clearly stated by the Executive that the proposals do not equate to ‘same sex marriage’. The proposals of this consultation have clearly moved in that direction. We would contend that, if enacted, they will further undermine the precious institution of marriage as it is clearly understood in societies throughout the world. We would register our disappointment that previous statements are undermined by these proposals.

6.2 We note comments (2.13) that ‘government recognises that a number of couples would wish to have a religious ceremony to register their civil partnership and to acknowledge their faith’. We are unaware of any consultation process that the Scottish Government has undertaken which determines this view. We would welcome the publication of any data that would support the Government’s assertion that they have identified this as a special requirement. This makes us question the openness of the debate that lies behind the consultation on Same Sex Marriage. It would be our contention that this consultation is not to deal with the issues rather it is an attempt to win support of the Churches to a pre-determined position.

6.3 The consultation document and questions do not make mention of the idea of extending civil partnership rights to heterosexual couples. This is interesting because it is an issue which has been discussed before in the Scottish Parliament, and often discussed in relation to debates around extending laws in this area. The stance of the Government is clearly seen in the Ministerial foreword ‘This Government believes in religious tolerance and the freedom to worship. We also believe in equality and diversity’. Because of the omission
we would question the stance of the Government on equalities believing that equality, in this instance, is only partial and not complete. We are not advocating civil partnerships between heterosexual couples but simply pointing out that what is proposed is to meet the requirements of one section of society and failing to provide for all.

6.4 The Salvation Army would welcome the opportunity to continue discussing this and related matters with the Scottish Government and look forward to that engagement.