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

By definition, civil partnerships are non-religious contracts and should not therefore be registered through religious ceremonies.

Religious groups are free to mark a civil partnership with some form of ceremony if they wish to do so, but this is quite separate from the registration of the partnership, which is – and should remain - of a secular and non-religious nature.

If the law were to be changed to permit the registration of civil partnerships through religious ceremonies, there is a very real risk that religious groups that chose not to recognise same-sex relationships in this way might face legal action on the grounds of 'homophobic discrimination'. This danger would remain even if the legislation only permitted the registration of civil partnerships through religious ceremonies and did not require it of all religious groups.

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
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

By definition, civil partnerships are non-religious contracts and should not therefore be registered by religious celebrants at all, whether on religious premises or not.

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

By definition, civil partnerships are non-religious contracts and should not therefore be registered by religious celebrants at all, whether on religious premises or not.

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

Absolutely. By definition, civil partnerships are non-religious contracts and therefore should not be registered by religious bodies at all.

To require religious bodies to register civil partnerships would represent a serious violation of religious liberties. In a free society, it is of paramount importance that the law respects the position of individual religious believers and religious bodies who cannot in good conscience be involved in the registration of a civil partnership.

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

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

By definition, civil partnerships are non-religious contracts and should not therefore be registered by religious celebrants at all.

Religious celebrants should not be required to register civil partnerships against their will.
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

By definition, civil partnerships are non-religious contracts and should not therefore be registered by religious bodies and celebrants at all.

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
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

The legal definition of marriage as ‘the voluntary union for life of one man and one woman, to the exclusion of all others’ contains three key elements:

(i) it is heterosexual (between a man and a woman);
(ii) it is exclusive (a union of one man and one woman);
(iii) it is lifelong (for life).

It is not possible to change the definition of marriage without at the same time changing the meaning that a society attaches to it.

To broaden the definition of marriage, whether it be to permit the marriage of homosexual couples, to permit an individual to marry more than one person, or to vary the duration for which those marrying signify their commitment would inevitably change the character and public perception of the institution and pose a serious threat to the public benefits associated with it.

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

To require religious bodies and celebrants to solemnise a ‘marriage’ between two people of the same sex would represent a serious violation of religious liberties. In a free society, it is of paramount importance that the law respects the position of individual religious believers and religious bodies who cannot in good conscience be involved in something that runs contrary to their religious beliefs.
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

We do not accept the Scottish Government’s assumption that there is a difference between civil marriage and religious marriage. A marriage is a marriage, regardless of whether it is held on religious premises in the context of a religious ceremony or elsewhere, and a marriage can only be entered into by a man and a woman.

So no, we do not agree with the introduction of same-sex civil marriage only, but neither do we agree with the introduction of same-sex religious marriage because a marriage can only ever be between a man and a woman.

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

See our response to questions 10 and 12 above.

We do not recognise any distinction between civil and religious marriage and marriage can only ever be between a man and a woman.

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 ☐
In a free society, this is not even a question that should be raised for debate. The law must respect the consciences and convictions of those who adhere to the definition of marriage as the union between a man and a woman and who therefore could not be involved in a same-sex ‘marriage’ ceremony.

**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?

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Please give reasons for your answer

**Comments**

Religious celebrants should not be required to register same-sex ‘marriages’ against their will. Any such requirement would represent a serious infringement of their religious liberties.

**Question 16  (Paragraphs 3.27 and 3.28)**

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

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Please give reasons for your answer

**Comments**

Religious celebrants should not be required to register same-sex ‘marriages’ against their will. Any such requirement would represent a serious infringement of their religious liberties.
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

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

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
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

Supporters of changing the definition of marriage frequently appeal to basic principles of equality. However, we are not convinced that this is a matter of equality at all. Few would argue that a parent should be able to marry his or her child (of either sex) or that siblings (of either sex) should be able to marry each other. Yet, if we were to take the equality argument to its logical conclusion, and allow any two people with a strong personal attachment to each other to marry, we would have to permit marriages between close family members. Logically, we would also have to permit people who self-identify as bisexual to marry a partner of both sexes, and once we have done that, it would be anomalous to forbid heterosexuals or homosexuals from taking more than one spouse of the same or of the opposite sex if they wished to do so.

We realise that the Scottish Government is not proposing such a course at the present time, but it is important to recognise that tampering with the definition of marriage would inevitably open a can of worms and create a whole host of anomalies, inequalities and injustices.

Marriage is defined as ‘the voluntary union for life of one man and one woman, to the exclusion of all others’. There are three key elements in this definition of marriage:

(i) it is heterosexual (between a man and a woman);
(ii) it is exclusive (a union of one man and one woman);
(iii) it is lifelong (for life).
It is not possible to change the definition of marriage without changing the meaning that a society attaches to marriage at the same time. To broaden the definition of marriage, whether it be to permit the marriage of homosexual couples, to permit an individual to marry more than one person, or to vary the duration for which those marrying signify their commitment would inevitably change the public perception of the institution and pose a serious threat to the public benefits associated with it.