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

If all love and fidelity between human beings has its ultimate grounding in God, then Quest sees no inherent reason why the dedication of two human beings, committed in a public act of self giving and devotion, should not take place in an explicitly religious setting. Indeed, for people of faith, not to include that element in an act of public devotion would be to factor out an essential dimension, the dimension of faith.

While Quest welcomes the assurances given that no religious body or celebrant should be required to register a civil partnership; it is Quest’s view that registration of civil partnerships should be separated in both time and place from faith-based ceremonies.

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  x ☐
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

Quest recognises that there are faith groups who fully embrace same-sex partnerships and whose principles and practices may permit them to make a public act of commitment in a religious ceremony. Nevertheless, Quest considers that civil registration of partnerships and religious ritual should be separate in time and place.
Question 3  (Paragraphs 2.20 to 2.24)

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

Yes [ ]
No [x]
Don’t know [ ]

Please give reasons for your answer

Comments
Quest believes that registration of civil partnerships should not take place on religious premises, while acknowledging that same-sex couples may wish to make a public act of self-giving and devotion in an explicitly religious setting at some other time.

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 [x]
Don’t know [ ]

Please give reasons for your answer

Comments
Quest believes that registration of civil partnerships should not take place on religious premises, while acknowledging that same-sex couples may wish to make a public act of self-giving and devotion in an explicitly religious setting at some other time.

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

Quest believes that registration of civil partnerships should not take place on religious premises, while acknowledging that same-sex couples may wish to make a public act of self-giving and devotion in an explicitly religious setting at some other time.

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 a matter of discipline for the religious body concerned according to their rules and practices. The separation of civil registration and religious ceremonial would remove this area of conflict.

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

Such issues would not arise with the separation of state (civil) and religious rites.
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
We believe that registration of civil partnerships should not take place in a religious context

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
Our preference is for a radical separation of Church (in the context of the Scottish nation) and state.
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  x
No  
Don’t know  

Please give reasons for your answer

Comments
We believe that homosexual men and women are attracted to people of the same sex in the same way as heterosexual men and women, that is, “psycho-affectively, socially, relationally, spiritually, and sexually”1

Huge advances in social sciences, psychology and of the natural world have led us to see same sex attraction as a perfectly natural, minority variant in the world of human sexual preference.

If all human beings have entitlements to be treated with respect and dignity, it is argued, there can be no argument that justifies discriminating against groups of people solely on grounds of their sexual orientation. Marriage, in civil terms, carries with it a number of taxation and benefits rights which, if exclusively the domain of heterosexuals, amounts to unfair treatment of thousands of lesbian women and gay men.


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
As stated in answer to previous questions, in legislating for same-sex marriage there should be a concurrent change in the law that disconnects civil registration from faith-based marriage ceremonies. By doing so, the traditional Catholic doctrine and marriage – a loving indissoluble bond between a man and a woman – may not be compromised.
Question 12  (Paragraphs 3.14 to 3.18)

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

Yes    x□
No    □
Don't know □

Please give reasons for your answer

Comments

Quest believes that same-sex marriage should only be available on a civil basis. Where faith-based groups permit an explicitly religious ritual to follow a civil same-sex marriage according to their own rules and practices we rejoice with our gay sisters and brothers while acknowledging that it is not currently an option for lesbian and gay Catholics.

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

Those religious groups who wish to celebrate and recognise in a faith setting the marriage of two men or women should be free to do so, but this should follow a civil ceremony.
**Question 14**  ( Paragraphs 3.23 and 3.24)

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

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Please give reasons for your answer

**Comments**

In his visit to the United Kingdom in September 2010, His Holiness Pope Benedict XVI drew attention to “worrying signs of a failure to appreciate not only the rights of believers to freedom of conscience and freedom of religion, but also the legitimate role of religion in the public square.”

Coercion by the state in requiring faith-based groups to solemnise same-sex marriages in places of worship and the use of other premises (such as Parish Halls) would seem contrary to democratic values and respect for religious freedom. Equally Quest recognises that by allowing opt-out clauses on the grounds of respecting religious beliefs, the state could be seen to be legitimising discrimination against same-sex couples. Of necessity, compromises have to be made.

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**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**

Quest believes that same-sex marriage should only be available on a civil basis. Where faith-based groups permit an explicitly religious ritual to follow a civil same-sex marriage according to their own rules and practices we rejoice with our gay sisters and brothers while acknowledging that it is not currently an option for lesbian and gay Catholics.
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
Faith-based groups should be free to deal with issues of who will or will not wish to solemnise same-sex marriages. This conflict would not arise if there is a more thorough-going revision of marriage legislation in Scotland

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
If there is to be no separation of civil and religious marriage, then option 2 would allow for those religious bodies wishing to solemnise same-sex marriages to do so without compromising those religious bodies that have a more traditional understanding of marriage.

3.35 The Government expects that decisions on use of premises would generally be for the hierarchy of the body rather than for the individual celebrant who generally uses the premises. However, the Government recognises that in some faiths decisions may be for the celebrant or may have been delegated to the celebrant.
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?

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Please give reasons for your answer

Comments

If same-sex marriages are to be registered on religious premises, it is hoped that lesbian and gay couples of faith who are denied the possibility of solemnising their unions in a religious ceremony would not seek to force the issue within their religious affiliation thereby requiring further legislation to protect the freedom of those bodies which choose not to marry same-sex couples.

Question 19  (Paragraph 3.41)

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

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Please give reasons for your answer

Comments

Quest recognises that not all gay and lesbian couples will wish to solemnise their relationships in marriage but do wish to have certain basic rights recognised in law, as provided by civil partnerships.
Question 20  (Paragraph 4.19)

Do you have any other comments?

Yes   x☐
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

Quest is strongly in favour of the Scottish Government’s proposal to remove the legal and statutory impediments that currently stand in the way of same-sex marriage. We consider that legislation for same-sex marriage should “not legitimise discrimination by faith-based groups whilst those groups are fulfilling state (i.e. civil) functions”, which is why we strongly advocate the separation of civil registration of marriage in both time and place from faith-based marriage ceremonies. The opposition of the Scottish Catholic bishops to the proposal for same-sex marriages has not been unexpected, whereas the response of other faith based groups has been muted and, in some cases, supportive of the change. The history of Christianity (in particular) is the history of different traditions, beliefs and practices and it is important that any change to the laws governing civil marriage should respect religious freedom.

3. Adapted or direct quotations from Quest’s submission to the consultation process on allowing civil partnerships to be registered on religious premises.