

THE REGISTRATION OF CIVIL PARTNERSHIPS SAME SEX MARRIAGE



Annex E: RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

St Mary's Episcopal Cathedral, Glasgow

Title Mr Ms Mrs Miss Prof Please tick as appropriate

Surname

McKillop

Forename

Jim

2. Postal Address

St Mary's Cathedral

300 Great Western Rd

Glasgow

Postcode
G4 9JB

Phone
0141 334 5669

Email
vestrysecretary@thecathedral.org.uk

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

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

St Mary's Cathedral congregation contains significant variety in its views and this response, on behalf of the Vestry, will reflect that variety. However, the Cathedral sees its basic mission as one of reflecting God's love for all people and to promote that by being "open, inclusive and welcoming" to all.

A significant number of our members are in long term caring and loving same sex relationships. Some of them who have registered a civil partnership speak of the hurt and exclusion they felt because their civil partnership ceremony specifically excluded any religious component. One member of our congregation summed this up as follows:

"While those of different faith backgrounds may struggle to find a minister willing to marry them, they can still have a civil ceremony that involves religious elements because and only because they are of the opposite sex. I am denied this because and only because I am gay."

We believe that the majority of our congregation would support the proposal addressed in this question, while recognising that some of our members remain unhappy at linking same sex partnerships to a religious service.

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

For the reasons given in answer to Question 1, we support this proposal. For many of those for whom a commitment before God is an essential part of recognition of their partnership, a religious premises is the logical place to make such a commitment.

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

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

Because this matter goes to deeply and sincerely held beliefs, we accept that denominations which are fundamentally opposed to civil partnerships should not be compelled to carry them out. However, it should be noted that the governance arrangements of some denominations might make it difficult for them to deliver such a ban in practice.

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

If the conscience of an individual celebrant compels him/her to register a civil partnership in spite of a decision by the denomination against such a practice, that is a matter between the celebrant and the hierarchy of the denomination. Belonging to a denomination implies commitment to its views and rules. However, the law should not prevent an individual carrying out a legal act, even if organisations take a negative view of the morality of that act.

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

This is a matter for the individual's conscience. In Scotland no celebrant is currently compelled to marry a given couple and the same should apply to civil partnerships. To require a celebrant to register a civil partnership against their beliefs would be as perverse as compelling doctors who object to abortions to carry them out.

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

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

Don't know

Please give reasons for your answer

Comments

Inevitably, there is a range of views within our congregation on this matter. Marriage as an institution has evolved over time, both in civil society and within the church. For example, the current wording of our marriage liturgy is very different from that used in the past, recognising equality of both partners within the marriage rather than the older view of subservience of the wife to her husband.

Many of us believe that the settled and loving relationship of a same sex couple can, and from our experience does, reflect and show forth God's grace, just as an opposite sex relationship or marriage can. On that basis, as the union of those individuals has the sacramental characteristic of showing God's love, marriage should be open to those same sex couples who wish to have marriage. We believe that is a majority view in our congregation.

Others amongst us, while not necessarily disagreeing that God's grace can be manifest in a same sex relationship, take a more traditional view of what constitutes marriage. They hold, for example, that it is the mystical union of a man and woman with a necessary link to the potential procreation of children. Those members of our congregation, therefore, believe that marriage is an inappropriate term for the formal union of same sex couples. Many of those who hold this view, have no objection to a religious ceremony to mark a same sex union so long as it is not called marriage.

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

As noted in answer to Question 5, this matter goes to deeply and sincerely held beliefs. One of the hallmarks of a tolerant society is acceptance of a range of beliefs and the ability of people to live by them so long as they do not preclude the same right for others. We accept that denominations which have a traditional view of marriage and believe that it can only occur between a man and a woman should not be compelled to carry out same sex marriages.

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

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

If, as expressed above, we accept that a same sex union can reflect commitment, love and God's grace in the same way as a mixed sex marriage, it is logical to support the introduction of same sex marriage. There is also a matter of natural justice involved. Here are two comments from members of our congregation:

(1) "(In St Mary's) I found a spiritual home where participation was not denied to me because I am a lesbian. The concept of open, inclusive and welcoming really is true in terms of how St Mary's treats both the congregation and visitors.....Currently, I may be baptised and buried from my church. Marriage is not just about making a lifelong commitment to each other, but to Christians such as ourselves, it is about doing it before God."

(2) "I deeply feel that who I am as a human being is infringed by the law"

(on same sex marriage) “as it stands. This places me in a double bind of having to perform as if I am non-religious because there is no choice to admit my Faith as things stand legally.”

There is also significant support in our congregation for moving to a process which resembles that in France where the legal registration of the marriage is civil in all cases and the religious ceremony follows for those who wish it.

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

Because this matter goes to deeply and sincerely held beliefs, we accept that denominations which are fundamentally opposed to same sex marriages should not be compelled to carry them out. However, it should be noted that the governance arrangements of some denominations might make it difficult for them to deliver such a ban in practice.

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
No
Don't know

Please give reasons for your answer

Comments

If the conscience of an individual celebrant compels him/her to solemnise a same sex marriage in spite of a decision by the denomination against such a practice, that is a matter between the celebrant and the hierarchy of the denomination. Belonging to a denomination implies commitment to its views and rules. However, the law has no role in preventing an individual carrying out a legal act, even if organisations take a negative view of the morality of the act.

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
- No
- Don't know

Please give reasons for your answer

Comments

This is a matter for the individual's conscience. In Scotland no celebrant is currently compelled to marry a given couple and the same should apply to civil partnerships. To require a celebrant to solemnise a same sex marriage against their beliefs would be as perverse as compelling doctors who object to abortions to carry them out.

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

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

Our majority view is that civil partnerships should remain as not all those who wish to have a civil partnership would wish to undertake a same sex marriage. One individual who is in a civil partnership commented that it had been immensely valuable and liberating to have his union recognised in this way but that, while he supported the introduction of same sex marriages, he was not sure if he and his partner would wish to have such a ceremony. For that reason he favoured the retention of civil partnerships as well.

The contrary view has also been expressed because of a fear that extension of civil partnerships to opposite sex couples could undermine marriage

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

- (1) We hope that if same sex marriage is introduced this will resolve the cruel dilemma currently faced by a married couple when one of the partners has gender reassignment. Not infrequently, such couples decide to continue as a partnership, supporting one another before, through and after the reassignment, yet they have to divorce one another before the gender change is legally recognised.
- (2) We support the proposal that same sex marriages carried out elsewhere between individuals living in or moving to Scotland should be recognised if same sex marriage is introduced in Scotland.