

A Response to
The Scottish Government Consultation on
Civil Partnership and Same-Sex Marriage

Authors: Gordon Wilson and Rev. David Robertson



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Solas (Centre for Public Christianity) is a charity registered in Scotland - SC041613

SUBMISSION
BY
SOLAS (CENTRE FOR PUBLIC CHRISTIANITY)
IN RESPONSE TO
THE SCOTTISH GOVERNMENT CONSULTATION ON CIVIL PARTNERSHIP AND SAME-SEX MARRIAGE

1. The Organisation

Solas (Centre for Public Christianity) - referred to hereafter as Solas - is a charitable company limited by guarantee (Charity Number SCO41613). It is a non-denominational, non-sectarian body dedicated to bringing the Good News of Jesus Christ into public life and beyond. Solas is reflective of many within the Christian community who want to continue to build and maintain our rich heritage based on a Christian understanding of humanity. We believe there is a danger to the wider society (especially the poor and the marginalised), when the historic values of Christianity are replaced by a confused and confusing morass of whatever happens to be the secular moral vogue of the day. It is for that reason that we wish to contribute towards this consultation. We are concerned that the debate has been framed in such a way (tolerant pro-gay marriage versus intolerant religious bigots) that there is in effect little chance of there being a rational, civilized and tolerant debate on what we believe is a vital subject for the future of this country.

2. Consultation

SOLAS fears this Consultation is no more than political camouflage. The parallel same-sex consultation by the Westminster Government suggests there is a 'done deal' by the secular establishment to push through these controversial proposals. Nevertheless, given the social importance of the proposed changes, SOLAS has decided to participate. It is for Scottish Ministers to show that the Consultation is genuine, that they are prepared to listen to Scottish values and that they are capable of coming to a different conclusion that those already pre-determined by the Conservative/Liberal Democrat Coalition in London.

3. **Civil Partnerships for Same-sex Couples**

The Civil Partnership Act 2004 came into existence on a UK basis after sustained lobbying by same-sex campaigners. The Act has only been in existence for six years from 2005 and has resulted in a response of 3,307 civil partnerships compared with 175,552 marriages during the same period.

The evidence is that civil partnerships have not had the take-up expected by the lobbyists and have had little social impact apart from the initial novelty. It is too soon to make an assessment of the medium term impact made on society but as these are essentially bi-lateral contracts, they are private arrangements between consenting couples.

While it was argued at the time of the legislation that same-sex couples did not have the taxation or succession benefits given married couples, it is now the case that any argument over human rights entitlement is satisfied by the Act. Given the short period that has elapsed since the primary legislation and the minimal take up of partnerships, it is surprising that the Scottish Government has found it necessary to consult on this issue with a view to legislation. It would appear to have succumbed to persistent lobbying and surprisingly can find now legislative time on this issue despite the huge number of priority social and economic problems affecting the country and awaiting urgent attention by the Government.

The main issue is whether same-sex couples should be allowed to have religious celebration of their private contracts. In mainland Europe frequently, marriage (and by extension civil partnerships) are constituted by registration by the State with religious celebration being an optional and non-essential addition to the occasion. In the United Kingdom, under the 2004 Act, partnerships are constituted and recognised by the state by registration. The parties can have any other ceremony or religious blessing in any location they wish following upon registration. They suffer no discrimination or hardship under the current arrangements and Solas believes there should be no further legislation. When only 450 people a year (and declining) will directly benefit from this legislation we cannot understand why the Scottish Government would be willing to give up precious legislative time, when there are more urgent issues requiring the attention of Scotland's parliament.

4. **Stirring up Dissension**

The Scottish Government is out of touch with reality if it really believes what the Ministerial Foreword states:

“...we also hope that everyone will treat those with different or opposing views with courtesy and respect, within the very highest standards given of democratic discourse.”

We of course would wish that this courteous and respectful democratic discourse would take place. But, in the vernacular: “nae chance”. By opening up this minefield on behalf of a tiny minority, as evidenced from the numbers from the Registrar General for Scotland mentioned above, the Government cannot be unaware that the same-sex issue affecting the clergy in

our largest church is causing distress. Equally, we believe the gay rights lobby will not rest until all religious bodies, be they Christian, Muslim or other be compelled to conduct same-sex partnerships (or marriages) under equality law. The Government speaks of opt-outs and protections, but ultimately once the principle of religious celebration is conceded, such protections will melt away under incessant pressure. If the government is arguing that on the grounds of justice and equality, that same-sex marriages should be allowed, then it cannot consistently argue that churches should be allowed to 'discriminate'. Despite the assurances that none will be compelled, we are not reassured. The vitriolic and over-the-top reaction to MSP John Mason's entirely reasonable motion to the Scottish Parliament that what the Scottish government were assuring us would be the case anyway (that religious organisations would not be compelled to act against their beliefs) is an indication of how necessary his motion is. For such a reasonable request to be described as an MP as a 'nasty little motion', is testimony enough that the Government's wish for a civilised democratic discourse was never likely to happen.

The Government cannot bind its successors. Nor can the Government influence the courts. It has already lost major appeals on human rights grounds to the UK Supreme Court, and equality law will also be a source of litigation. The Scottish Parliament is not sovereign. Its Acts are subject to judicial approval on human rights grounds and even if the 'gay rights' lobby were prepared to tolerate non-compulsory religious celebration as proposed by the Government (an unlikely prospect), the atheist and secular movements will be only too glad to cause discord for the churches. We suspect that it will not be long before churches lose their charitable status for daring to go against the governing consensus.

Whilst we do not wish to affirm conspiracy or paranoia theories, it is already the case that some secular zealots have seen fit to attack Christians in the United Kingdom on their wearing of crosses and crucifixes. We anticipate that many ministers, priests and imams or sheikhs will not be prepared to comply with a secular law that strikes at the heart of their faiths. MSPs have already been attacked viciously for daring to disagree with religious celebration of partnerships or marriage. The first stone has been thrown against free speech on this issue, even within the governing party.

We are aware of politicians, journalists and educationalists who have not publically voiced their own private opinion on this subject because of the sustained campaigns which they justifiably fear will kick in against them, the minute they open their mouths. The gay rights lobby have sought to have candidates removed, websites banned and advertising removed, if any one dare to challenge their shibboleth. We question the equality of the Scottish Government's Equality Unit which has funded the three national LGBT organisations to the tune of £5.94m since 2001/2 whilst giving only £3.82m to religious groups. Christian groups received £595,223. Given the role of the churches in fighting poverty and providing many public services we think that it is more than a little disproportionate that organisations which represent less than 2% of the Scottish population should receive ten times as much as the Christian churches, who represent more than 50% of the population. This money is then used to ensure that government policy is prejudiced towards the gay rights agenda and to demonise any who dare to question it.

Despite the proclaimed desire of both the Scottish and Westminster governments to 'consult', we are concerned that there will be little consultation, because the presuppositions of the gay rights lobby have already been accepted by the cultural and political elites of our culture. It is assumed (rather than rationally argued) that evidence of a tolerant 'liberal' society is that one is for gay marriage. The conclusion has been pre-determined before the consultation has even been had. This is hardly the action of a mature, reflective and tolerant democracy. It is little wonder that there has been little civilised and tolerant discourse.

5. Same-sex Marriages Versus Opposite Sex 'Marriages'

The Government's perceived wish to give same-sex couples the same status and rights as for opposite sex marriage (as they now charmingly describe it) is ill thought out and ultimately harmful. Of the 193 members of the United Nations, there are only 22 countries which have recognised same-sex unions and 8 that have recognised same-sex marriage. Whilst it may appear superficially attractive for some (witness David Cameron's boast that Britain would be at the forefront of homosexual rights) to appear to be leading the way in the world, in reality all that the Scottish government would be doing is following a course of action which is entirely the product of a Western liberal elitism which is in fact far from liberal. Whilst politicians might like to talk about how tolerant and liberal they are, thinking that there is little of consequence for them in going along with this headlong rush to 'redefine' marriage, we would encourage them to stop and reflect that in fact this is a major step which has potentially extremely destructive consequences.

We again ask if there is minimal demand for same-sex partnerships, where then will come the numbers to warrant such a revolutionary change in society. The Government is again reminded that since the Civil Partnership Act came into force, there have been only 3,307 partnerships set against 175,552 marriages. 2% is not a solid foundation for tinkering with something that has been the foundation of British and Scottish society for over 1500 years. You do not mend 'Broken Britain' by breaking its very foundations.

The key question, which very few seem to have actually considered, is just simply to ask, 'What is Marriage?' and it is to that that we now turn.

6. Nature of Marriage in Society

We contend that when the Prime Minister, or the Scottish Parliament claim the right to 'redefine' marriage, they are claiming something to which they have no claim. They are in fact acting *ultra vires*. It is as though they are claiming the right to pronounce the earth flat or the ability to make square circles. The meaning of marriage is straightforward. It is the union between one man and one woman, for the threefold purpose of mutual companionship, the procreation and upbringing of children in a secure environment, and the good of society. If one accepts this traditional definition of marriage then by definition there can be no such thing as gay marriage – precisely because the procreation of children cannot be achieved by two people of the same-sex. The secular state may wish to claim all sorts of powers, but the ability to enable two people of the same-sex to have children, without the intrusion of a third or fourth party, is beyond even the power of the State!

When the Scottish Government claims that it has the right to redefine marriage, it is in fact doing nothing of the sort. It is simply undermining the traditional Christian understanding of marriage to the extent that we believe it negates it completely. Once a government arrogates to itself the right to redefine marriage then there is of course no logical reason why any government should stop at same-sex marriages. What would stop a government redefining marriage so that polygamy is allowed? After all if the arrangement is between consenting adults who 'love' one another, what is the difference? And why stop there? Why not redefine marriage so that a brother can marry his sister, or a father his daughter? If marriage is not about procreation, and with the availability of modern birth control methods, then why should this not be allowed as well? The inevitable hysterical cry will come that we are equating gay marriage as being synonymous with polygamy and incest. We are not. We are just simply pointing out that the criteria being used in the current debate would, if accepted, be logically and equally applicable in these cases.

7. Human Rights to Same-sex Marriage

There is no human rights entitlement to same-sex marriages. The position is clearly set out in the Consultation Document as follows:

a. The Universal Declaration of Human Rights

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State

b. European Convention of Human Rights

Article 12

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing exercise of this right.

Nowhere in these fundamental statements of human rights is there any reference to same-sex marriages. Same-sex couples have thus no human right to marry. Indeed, the statements go further. The UN Statement links marriage of a man and a woman as a natural and fundamental group unit of society and declares that the family as thus defined is entitled to protection of society and the State. The reference to founding a family is echoed by Article 12 of the European Convention. This is common sense. The generating and rearing of children is essential to the survival of the human race, and vital in Scotland which has an ageing

population. Marriage is essential to the human condition; same-sex unions are a biological cul-de-sac.

If the Scottish Government goes ahead with its proposal, it will have no validity as an exercise of human rights. Indeed, by adulterating the concept of a marriage as a union of a man and a woman, it will be guilty of removal of the protection of the state in Scotland required of it by Article 16 of the Universal Declaration. Furthermore, what consideration has the Scottish Government given to the rights of millions of people who are married. Some, of course, will approve, many will not care and a huge number will find the legislation offensive. It is arguable that their human rights under international law will be breached by the Scottish Government. Will they be entitled to separate status? Will they be compensated? Indeed, if convicted criminals can obtain compensation for slopping out as a breach of their human rights, why should those who entered into regular marriage under international human rights law not receive compensation when their 'marriages' are redefined in terms that are not natural and which they do not recognise? Even if after many years, the Government emerges as victor, the cost in administrative and legal time together with legal aid on costs will not be insignificant.

8. **Religious Celebration of Same-sex Marriages**

If unrest is anticipated over religious celebration of civil partnerships, then the comments made earlier on behalf of Solas apply with even greater force.

By issuing this Consultation, the Scottish Government has effectively lit the blue touch paper. It should let well alone and leave the status quo in place, before causing needless stress to itself and its successors. It is the beginning of wisdom to recognise that you attack the essential building block of society at your peril. The days when the Christian faith will be bullied into secular submission are over. It may be that the Scottish government does not really wish to return to the values of a pagan society, or a pre-Christian Greco Roman world, but we will believe that that will be the inevitable consequence. The secular myth of the continual progress of humanity towards an enlightened, liberal secular State, is one that, despite all the evidence from recent history, is stubbornly held to, almost as an article of faith. We believe that this is blind faith and as such we are in danger of being led into the very opposite of what is intended.

We realise that there are many who would accept the basic arguments we are putting forward and who in their heart of hearts, do not agree with same-sex marriage, and yet who will regard it as a relatively unimportant matter, and therefore not one to risk career or reputation over. They therefore, in order to appear 'enlightened, liberal and tolerant' will just go along with the prevailing cultural narrative. To such however we issue this plea – what if you are wrong? We offer three reasons as to why this matter is of such importance.

- i) **Past** - This is not a new struggle. Dostoyevsky, always an astute observer of society, had one of his characters sum up the agenda of the self-styled radicals 'Make haste and lock up the churches, abolish God, do away with marriage, destroy the right of inheritance, take up your knives,' (The Possessed - The Devils). In different forms several societies of Right and Left in the 20th Century attempted to enact this 'radical' agenda, with disastrous

consequences for humanity. We find it ironic that almost all politicians and political parties in Britain are rushing lemming-like into something which in effect negates marriage – at least in the eyes of the State.

- ii) **Present** – We understand why politicians either want to enact this or at the very least are not prepared to oppose it. The modern narrative is one of enforced ‘tolerance’. All the basic pre-suppositions are so fixed that to question them is to immediately be ostracized. We have seen this recently in the Conservative party – where it has been determined by the powers that be that the New Conservatism must be seen to be liberal, tolerant and that therefore any potential parliamentary candidate who does not accept the mantra and pre-suppositions of the current ruling cultural elite, will immediately be blackballed. The irony is of course, that such a course of action is fundamentally intolerant, preventing any discussion and difference of opinion. We have even reached the stage where gay rights groups have succeeded in persuading major information and internet companies to censor groups who do not accept their point of view. For example Apple was persuaded to remove an app which was set up by The Manhattan Declaration. The Manhattan Declaration are not a group of right-wing wacky religious fundies. They are a respected group of Christian leaders from Catholic, Protestant and Orthodox backgrounds. Yet their views are considered to be so extreme that they are censored. Meanwhile pornography, extremist politics and violence are allowed. At some point someone is going to have to say – enough is enough. Diversity and tolerance are going to have to be practised rather than just be words used in the most Orwellian of fashions.

- iii) **The Future** – We do not believe that the attack on marriage or on Christianity will end with the Scottish or British parliaments ‘redefining marriage’. As each new piece of legislation has failed to bring in the secular humanist ‘Nirvana’, its proponents have become more and more desperate and have pushed for more. We do not advocate any form of homophobia (and indeed regard the constant accusation of such as being little more than a smokescreen and bullying tactic, to try and enforce silence), and we repeat the Christian teaching that we are to love and respect all peoples, whatever their sexual orientation. However we are concerned at the way this issue is being used to demonise and attack Christianity, whilst at the same time being used to reshape and change society in a way which we believe is ultimately harmful. The Gay Rights groups, funded by the State, will continue to push for that State, not just to be ‘tolerant’ of Gay Marriage, but intolerant of any who do not accept their agenda. There will be more pressure for social ‘re-education’ through popular media, the education system and the social welfare and political systems. The attack on the traditional understanding of marriage will not be the end of this assault on Christian morality and values. We urge our MSPs to take this into account and at the very least make an informed decision thinking about the long-term consequences, rather than merely the short-term sound bites and media pressure.

Conclusion:

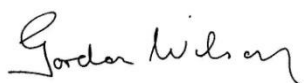
“Scotland has chosen to believe in itself and our shared capacity to build a fair society. The nation can be better, it wants to be better, and I will do all I can as First Minister to make it better. We have given ourselves the permission to be bold and we will govern fairly and wisely, with an eye to the future but a heart to forgive.” Alex Salmond – Victory Speech – Kirkcaldy – May 2011

We applaud the First Minister’s desire to make Scotland a better nation and a fairer society. We do not however think that instigating gay marriage and thus undermining even further the Christian foundations of this society will lead to a better or fairer nation. Indeed in our view, it will lead to further social disintegration, sexual confusion and greater intolerance, where any in public life or service, who dare to uphold the Christian view of marriage, will be ostracised and discriminated against. If the Scottish Parliament takes the step of redefining marriage then rather than displaying boldness, fairness and wisdom, we believe it will demonstrate cowardice, injustice and folly. We therefore request that the Parliament do not take such a retrograde and reactionary step and we would ask you to refuse the request to redefine marriage.

In saying this we are not arguing that the current legislation on civil partnerships should be repealed. That is a route that the State has chosen to go down and it is not the issue at stake here. Indeed there are those who wonder what all the fuss is about – given that civil partnerships already give all the same legal rights as marriages. As indicated in our submission we believe it is important because of the wider agenda being pursued.

We believe this is of such a destructive nature to Scottish society that, rather than leaving the decision to a group of MSPs (who themselves are very susceptible to the threats to their careers and positions of political and media lobbying), this decision should be put to a referendum of the Scottish people. If our relationship with the rest of the United Kingdom warrants a referendum, then surely our relationship to over 1,500 years of Christian teaching on that most fundamental of society’s institutions (marriage), merits the same treatment? Let the people have their say.

Authors:



Gordon Wilson, Chairman of Solas, Former Leader of the Scottish Nationalist Party



Rev. David Robertson, Director of Solas, Minister of St. Peter’s Free Church of Scotland