MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM WILLIAM BAIRD

How would you characterise your views on the Bill in general?

In opposition

I appreciate that the Scottish Government appears to have realised the contentious and divisive nature of their proposals to re-define the long-held traditional understanding of marriage. I believe that they have made attempts to listen to the range of viewpoints expressed and sought to provide some accommodation for those who do not agree with same-sex marriage. However, one has to question the need for this bill. Civil partnerships recognised the mutual commitment of a same-sex couple and sought to provide the legal context whereby there would be accommodation and protection for the financial and personal implications of that relationship. The promotion of same-sex marriage appears to be merely a symbolic demand for equality despite the fact that marriage and same-sex marriage can never be equivalent (see the argument presented in question 5). The other reason for questioning the need for same-sex marriage is the number of people involved. One can get some indication of the possible demand for same-sex marriage by considering the number of civil partnerships registered to date. Between 2005 and 2012 approximately 4500 civil partnerships were registered – representing 9000 individuals. The population of Scotland between the ages of 16 and 64 (giving an indication of those of marriageable age) was around 3.5 million in the 2011 census. Thus, in the name of equality, the most basic building block of our society is being re-defined and deconstructed – with all the implications this is likely to bring in its wake - to address a perceived injustice to 0.25% of the relevant Scottish population.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Throughout history, and across societies and cultures of all descriptions, the nature of marriage has been instinctively recognised as being between a man and a woman. It is only in recent years that attempts have been made to redefine and deconstruct marriage into something which it has never been. C S Lewis, the author of the Narnia novels has written about the importance of not being swept away by the ‘shallow complacency of chronological snobbery’, whereby we believe that we have nothing to learn from the past, and instead are ‘shaped by predominant cultural moods and intellectual conventions’. This seems to be what has happened with the current debate over marriage re-definition where a radical proposal has been taken up with alacrity with little consideration of the impact it might have on our society in the future, informed by our experience of the past. Lewis would argue that ‘we can learn from the past precisely because it liberates us from the tyranny of the contemporaneous’. Marriage is not only an indication of a personal commitment between a man and a woman. It is also sends a message to society at large that this couple intend to commit themselves to each other with, in most cases, the expectation that their mutual commitment will find new depth and expression if
children are born as a result of their union. Even although some couples may marry and choose not to have children, or be unable to have children, or be too old when they marry to have children does not invalidate the basic purpose of marriage – to provide social stability and to create a safe and loving environment in which children can be raised. Thus, marriage has high ideals which benefit not only the individuals involved but also society at large. Marriage is a vital social institution which requires a degree of self-sacrifice to make it work. Those advocating same-sex marriage are demanding a human right; this is misguided, as the personal, emotional and inwardly-focussed relationship which same-sex marriage is, in no way reflects the rich intentions of marriage and cannot create the same positive outcomes for society. The issue is not about equality of rights. The issue is that same-sex marriage can never be the equivalent of traditional marriage and so the demand for equality is in this regard is mis-placed. The lack of equivalence between real marriage and same-sex marriage is made obvious by the difficulty of deciding whether a same-sex marriage has been consummated or not and what would constitute adultery in a same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil Partnerships were introduced with a specific purpose and it would not be appropriate to now re-define that purpose.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It has become quite clear over recent years that acceptance of a homosexual lifestyle has become the vital benchmark as to whether or not one is suitable for employment in the public sector. I would like to share my personal experience with the Committee. My wife and I became foster carers around six years ago. The assessment process for being a foster carer is, rightly, rigorous and lengthy. During part of our assessment we were asked our views on how we might cope if we were caring for a young person who indicated that he or she might have same-sex attraction. As part of our response to this question we made clear some of our concerns about a homosexual lifestyle. This caused great concern with our interviewing social worker who had to bring in her manager to talk this issue over with us. We were in due course registered as foster carers and have had great satisfaction in taking on this role. However I have two concerns about the situation described above. Firstly, we were only going to be looking after babies under two years of age and so the issue of same-sex attraction was never going to be relevant. Nonetheless it was thought essential that we be asked our views. Secondly, the interviewing social worker made no attempt to assess our views on the other equality strands which might be relevant to our role as foster carers – eg gender, religion, disability; sexual orientation was the only strand about which she seemed to be concerned. My fear would be that should same-sex marriage become legal there would be increased pressure for foster carers and others in the employment of the public sector to have to conform to a certain code of beliefs. There needs to be a reasonable accommodation to allow a range of beliefs on this topic, especially in the public sector, so that committed and talented people will not be lost to important roles in public service.

Would you like to comment on the wider issue of freedom of speech?

There is every indication from other countries where same-sex marriage has been introduced that this results in a limitation on freedom of speech and in challenges to anyone unwilling to accept the new orthodoxy. Some of the most telling examples come from Canada where the re-definition of marriage took place 10 years ago. (see for example http://www.thepublicdiscourse.com/2012/11/6758/?utm_source=RTA+Miller+SSM+Canada&utm_campaign=winstorg&utm_medium=email) For the health of our society it is vital that we retain our traditional acceptance of freedom of opinion and freedom of speech within a context of open debate and mutual respect. People must continue to have the right to express opinions which others may not agree with, even if it involves criticism of a lifestyle. Otherwise the likely prospect, based on the experience of other countries, is that this vital issue may be the catalyst for a restriction on the freedom of individuals to hold sincerely held and carefully thought-out beliefs.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No further comment

Are you responding as...
a private individual

William Baird
22 August 2013