Introduction

1. The Evangelical Alliance in Scotland is the largest body serving evangelical Christians in Scotland and has a membership including denominations, churches, organisations and individuals. Across the UK, Evangelical Alliance membership includes over 700 organisations, 3500 churches and thousands of individuals. Our members in Scotland include the Baptist Union of Scotland, Vineyard Churches, the Salvation Army, Newfrontiers, Elim Pentecostal Churches, Assemblies of God, The Free Church of Scotland, Brethren, a number of congregations within the Church of Scotland and other independent churches. We have a number of organisations as members in Scotland including Glasgow City Mission, Bethany Christian Trust, Tearfund and Scripture Union Scotland.

General Comments

2. The Evangelical Alliance is very concerned by the Scottish Government’s plan to redefine the meaning of marriage. We are concerned at two levels, both on the principle of the proposed changes and also the practical implications of the current Bill as it stands for the protection of those who disagree with the planned new definition of marriage. We are disappointed that despite two consultations on the planned legislation the Scottish Government appears to have made little substantive effort to acknowledge the potential negative effects this legislation will have on those who disagree, other than celebrants, and that there are no provisions within the Bill to effectively protect civil liberties, freedom of speech or freedom of conscience. We hope that the committee will be fair and open-minded to these concerns as it scrutinises the legislation over the coming months.

3. At the outset it is important to state that our primary concern in relation to this Bill is for the future status of marriage as a universal, historical and cultural good for society. As evangelical Christians we believe that all people have equality and dignity as made in the image of God and all are equally in need of the grace of God to find ultimate fullness of life. We are therefore not in the position of trying to deny inherent human equality or promote the rights of some individuals or groups over others. Legal equality already exists for individuals (who may equally enter into a marriage or civil partnership if they wish) and couples (where marriage and civil partnership are almost identical). This is therefore for us not a debate about equality but rather about the nature of marriage.

The Principle of redefining marriage

4. The Evangelical Alliance is very concerned about the principle of redefining marriage as proposed in the Bill. We acknowledge that a free society based on rights, responsibilities and respect requires legal frameworks to secure social institutions, reflect majority opinion and protect minority identities. However, such a society is more than the sum of rights-claiming individuals. It involves institutions that are essential for its survival and prosperity – such as marriage. As a foundational and reproductive union at the centre of society,
marriage is a particularly valuable institution, and it is in this area that it is in the interest of the state. Although it is recognised and valued as the life-long, voluntary union of one man and one woman for procreation of children, marriage is much more than this. Predating Scots law, the modern state and even the Christian church, it is a universal, historical and cultural good.

5. As all cultures and civilisations attest, the uniqueness of marriage is largely premised upon the fact that only a man and a woman can produce biological children, and this confers the vital elements of identity and inter-generational affinity that contribute so fundamentally to children's wellbeing. We are concerned that redefining marriage would undermine this distinctive building block of society and it is concerning to us that the place of children in marriage does not even seem to be mentioned with regards to the proposed Bill.

6. Importantly, marriage does not, and has never merited, special recognition simply because it marks an intimate 'committed relationship' between two people. If that were the case, there would be no reason to prevent marriage, for example, between siblings or between a parent and his or her child. Rather, marriage between a man and a woman has a unique place in law because of its potential to produce children, because of the proven benefits it brings both to children and to society, and because of the web of intergenerational structure it provides.

7. Marriage is therefore about much more than mere 'love' and 'commitment' or a 'contract' between two people. Whether secular or religious, it is covenantal and premised upon the natural complementarity for having and raising children. It is about the fundamental, relational meaning of society and it has direct implications for kinship and family. Although it precedes and supersedes the state, it does confer responsibilities upon the state to encourage respectful and sustainable attitudes to life and others through the promotion of positive and responsible attitudes to motherhood, fatherhood and family life.

8. We are therefore concerned that redefining marriage will actually weaken the understanding of the structure of marriage, its purposes and its benefits to society. This is especially true if there were to be further redefinitions in the future. It is concerning that the Scottish Government do not seem to be able to articulate a new definition of marriage in the Bill and so this leaves room for further groups who feel themselves excluded in the future to claim their right to marriage on the same basis. Once there is no fixed definition of marriage it is devalued of its meaning. As an organisation passionately committed to the common good of society this is not something we are able to support.
Practical Concerns

9. We also have a number of concerns in relation to the practical outworking of the Bill, namely with regard to those who hold to the present legal definition of marriage and oppose redefinition. We are particularly concerned with the Scottish Government’s lack of protections in the Bill itself despite repeated assurances that it is consulting seriously on the implications of marriage redefinition. We have a number of specific concerns in this regard.

Protections for celebrants

10. We very much welcome the stated commitment of the Scottish Government to ensure that no church or celebrant will be forced to solemnise a same-sex marriage however we have concerns about the long term robustness of this protection. It is probable that this will be challenged in the courts (as is already happening in England) and legal opinion suggests that if a case went to the European Court it may well rule in favour of such a claim. This is in part attributable to the recent European Court case Gas and Dubois v France which has generated a consensus among lawyers that it will be illegal to refuse to carry out same-sex ceremonies where a country has adopted same-sex marriage. We have also recently seen the example of Denmark where there is now a duty upon the national church to host same-sex marriage.

Effect of Public Sector Equality Duty

11. Our wider concerns with the Bill affect the impact of the Public Sector Equality Duty upon those individuals and groups who disagree with the redefinition of marriage. This is particularly concerning for us as a membership organisation where a number of member organisations engage in productive and useful partnerships with local authorities and other statutory agencies.

12. At a time when churches are increasingly providing valuable welfare support in the form of Foodbanks, Debt Advice, Family Support, Street Pastors, Chaplaincy and other services we are extremely concerned that holding to the traditional view of marriage may cause tension or even complete breakdown in these relationships, which are widely recognised as beneficial to individuals and communities across Scotland. Whilst we recognise that the Scottish Government does not wish to see partnership with faith groups eroded in this way it is concerning that this desire does not seem to connect with the implications contained within the Bill as enforced by the Public Sector Equality Duty. It is eminently possible to include an amendment to the Bill stating that no organisation should suffer detriment in this way solely due to their view upon the definition of marriage. In addition the Scottish Government could include this issue in its discussions with the UK Government on amending the Equality Act 2010 and push for a further amendment in this area to ensure robust protection.

Fostering and Adoption

13. Finally we are concerned with the implications for those wishing to foster and adopt children. At present there is a major drive to recruit possible foster carers and adoption families from within churches to help tackle the national shortage of foster placements. Whilst clearly not all potential carers will be suitable candidates there is real concern that a person’s view on the definition
of marriage could be used to disbar them from the process. We welcome the Scottish Government’s commitment to consider issuing guidance in this area but again there could easily be an amendment added to categorically ensure that no potential foster carer could be disallowed solely because of their views on the definition of marriage.

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