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

In Opposition

Marriage is the exclusive union of one man and one woman for life. This is fundamental to human nature and attempts to redefine it are beyond the competence of any elected body.

The original consultation demonstrated that this is the belief of a very large majority in Scotland, and it is regrettable that elected politicians have chosen to treat us with contempt by ignoring the responses to the consultation which they held.

Another consultation was held earlier this year. The analysis of responses was published at the same time as the Bill. There should have been an opportunity for the Scottish Parliament and the public to consider this analysis before the Bill was published. The timing invites the inference that responses to the consultation were not taken into account.

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

In Opposition

Marriage is the exclusive union of one man and one woman for life. This is fundamental to human nature and attempts to redefine it are beyond the competence of any elected body.

When Baroness Scotland moved the Second Reading of the Civil Partnership Bill in the House of Lords on 22 April 2004, she stated that the Government anticipated that the proportion of committed homosexual couples who were likely to take up the opportunity of a civil partnership might be between 5 and 10 per cent. (HL Deb 22 April 2004 vol 660 col392). Since the Bill became law, experience is demonstrating that the Government was right to expect a low take-up rate. As it is proposed to give homosexual couples an alternative form of legal status, the numbers taking up each option must be even smaller.

Why is the government proposing to force through a policy which a large majority of the Scottish Electorate disagree with, when so few people are likely to take advantage of it?

In the foreword to “Your Scotland, Your Voice” (2009), Alex Salmond stated:

“I am committed to a new chapter in Scottish politics, one in which the story and the script is written by the people and not just by the politicians.”

Is this an example of how that will work in practice?
6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I question the necessity of amending the law to achieve the stated purpose. Those described as “Belief Celebrants” could be treated as “Religious Celebrants” under section 8 or section 9 of the 1977 Act as the Registrar General appears to have sufficient discretion in his interpretation of the term.

7. 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)?

In Support

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life.

My support for the provision is limited to the principle that the default position for religious bodies is that they will not be expected to participate in same sex ceremonies unless they opt in.

8. How would you characterise your views on civil partnerships changing to marriage?

In Opposition

The proposals will leave same sex couples with two possible forms of legal status for their relationship. At no stage in this or the previous consultation has any justification been put forward for this, nor any explanation of how the two forms of legal status would differ.

No explanation has been offered as to how the rights and responsibilities of a couple in a Civil Partnership will change if they were to enter into a Same Sex “Marriage”. The proposed arrangements for converting a Civil Partnership into a “Marriage” do not appear to require the couple to meet any additional criteria or comply with any additional conditions.

9. 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?

In Opposition

An essential element of a valid marriage is that the couple give their consent freely and with proper understanding of the commitments which they are making. This requires a setting in which they and the registrar or religious celebrant as the case may be can give their full and undivided attention, without distraction, to the vows which they are exchanging.
From time to time there are press and TV reports of couples marrying during a free fall parachute jump, underwater wearing breathing apparatus or in some other situation where the marriage ceremony cannot have their undivided attention.

For this reason I would retain licensing of premises with a duty on the registrar to ensure their suitability in terms of these criteria.

The time for the fun and celebration is after the ceremony. The ceremony itself is about a serious lifetime commitment “for better, for worse; for richer, for poorer; in sickness and in health.”

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

In Opposition

One thing that is clear about Civil Partnership is that it is not a religious ceremony leading to a particular state of life recognised by a religious body.

11. 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?

In Opposition

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life

The transgender person has changed the marriage or civil partnership in a fundamental way. The person whose gender has not changed must have the absolute right to terminate the existing marriage or civil partnership on the grounds of unreasonable behaviour by the other party.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life

Concern has recently been expressed that levels of attainment in Scottish schools are falling behind those in other countries. Schools rely on the assistance of parents in teaching children to read, and young primary school children bring their reading books home each evening. If parents refuse to accept reading books containing homosexual propaganda, a decline in reading attainment will inevitably follow.

Guidance does not provide enough protection for the rights of parents. The Scottish Government must extend the right of withdrawal, which currently only applies to sex education and religious education, to cover all lessons which may endorse same-sex marriage. There should also be changes to the law to put a duty on schools to inform parents of lessons that will deal with the definition of marriage.
The law must ensure that lessons dealing with same-sex marriage must treat it as a controversial issue on which there is no consensus in society, like abortion or a party political matter.

The Scottish Government must make explicit in law that belief in traditional marriage should be properly respected and that those expressing this view, whether pupils or parents, must not be disadvantaged within schools.

To protect teachers, the Equality Act 2010 must be amended to ensure that belief in "traditional marriage" is one that is protected under employment discrimination law. Teachers should not be forced to endorse same-sex marriage in the classroom against their sincere beliefs, and there should be reasonable accommodation for teachers who believe in traditional marriage.

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

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life

Section 14 of the Bill, the Scottish Government's attempt to protect free speech, is virtually worthless. It is drafted so narrowly that it only applies to Part 1 of the Bill itself — the technical changes to the law of marriage. Perhaps it is important to use the law to suppress dissent when a government chooses to impose an ideologically driven law in the face of a large majority who oppose it. But the free speech concerns are not with marriage law directly. The problem is the impact of the redefinition of marriage on how other existing laws, particularly public order law, will be applied. In a completely new situation where marriage has been redefined, new protections are needed within public order legislation, to reflect that there are various, deeply-held views in our society about what marriage should mean. If Alex Salmond is going to keep his promise to protect free speech, he has to do far more than is proposed.

As a means of protecting free speech, as well as freedom of conscience, employment discrimination law must be amended to outlaw employers from punishing employees for their views on traditional marriage. The Scottish Government must ensure that the Equality Act 2010 is amended to specifically include beliefs about marriage under the protected characteristic of religion or belief so that such discrimination is unlawful. Already, a police chaplain has been removed from his post because he expressed his personal beliefs about marriage. There will be more cases like this if marriage is redefined.

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

Marriage, as traditionally understood, was linked to the procreation of children. Their parents, one man and one woman, were joined in a permanent exclusive union which provided a stable family unit in which the children could be brought up.

I can find no reference to the procreation and upbringing of children in the Bill itself, the Policy Memorandum or the Explanatory Notes which accompany it.
The Policy Memorandum states that the principles behind this Bill are: equality of opportunity; freedom of religion, belief, and expression; and upholding the dignity and solemnity of marriage ceremonies and civil partnership registration in Scotland.

The welfare of children is not mentioned in the Memorandum.

Even before the Bill was introduced, it has become clear that the freedom of religion, belief, and expression of those who are conscientiously opposed to the proposal are being curtailed.

Stephen Shaw
22 August 2013