

14 June 2012

Equal civil marriage consultation responses
Government Equalities Office
3rd Floor Fry
2, Marsham Street
London SW1P 4DF

Dear Sir

'Equal Civil Marriage' Consultation

Please find attached our response to this consultation.

We are concerned that the consultation document assumes that the main question relates to how to introduce legislative change and not whether it should occur at all. We believe that pre-determining the outcome of a consultation whatever the response of the public is unworthy of government.

The underlying issues are of massive importance with far-reaching consequences for the future of society. We are therefore expressing deep concern that this very limited consultation which addresses few of the real issues relating to marriage represents a completely inadequate and undemocratic way of approaching the future of an enduring institution which is of fundamental importance to the entire population.

Our response is therefore not restricted to the severe constraints of the consultation and our extended approach has been specifically agreed with the Government Equality Office.

Because we believe that the public interest and public good is best served by upholding marriage as a unique institution, we urge the Government not to proceed with legislation intended to redefine it and empty it of its content.

Yours faithfully

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Government Equalities Office
3rd Floor Fry
2 Marsham Street
London, SW1P 4DF

Response by Evangelical Alliance to the Consultation on 'Gay Marriage'

The Evangelical Alliance

The Evangelical Alliance, founded in 1846, is an umbrella body bringing together the majority of Britain's 2-3 million evangelical Christians. Included in Alliance membership are more than 700 organisations and more than 3,400 churches whose views we aim to represent in this submission. The Alliance is overseen by a large representative Council and carries out regular surveys of its members, which means that its views authentically reflect those of its membership. The Alliance exists to promote unity and truth among these churches, individuals and evangelical organisations and to represent their concerns to the wider Church, state and society.

It should be noted that in this response the Alliance specifically represents a large number of voiceless people who would like to express their opinion but cannot do so because they are not 'online'.

Please note that this submission will be made publicly available.

Introduction

It was agreed with Lucy Phipps of the Government Equality Office that given the Alliance's longstanding involvement with this and similar political issues, the fact that its constituency would be disproportionately affected by the current proposals, and because of its substantial representative capacity, the Alliance's submission to the consultation would not follow the standard highly restrictive online approach.

By way of preliminary comment, the Alliance feels it is necessary to express objections to the nature of the consultation process itself which it regards as misleading, biased and profoundly undemocratic. Ahead of the more detailed objections to the proposals, here are the main points of objection:

1. It is misleading to suggest that this consultation is about so-called 'equal' marriage. This description cultivates a myth that this issue is about 'equality', when it is in fact about redefining marriage to embrace a totally different category or type of relationship. Developing a term such as 'equal' marriage implies that marriage is currently 'unequal' (as opposed to complementary) and therefore somehow discriminatory. At best this is unhelpful and at worst it is provocative. Employing phrases in the consultation such as "to remove the ban on same-sex couples being able to have a marriage ..." or "we are only seeking to lift the ban on same-sex couples getting married ..." is inaccurate and highly misleading. There is not and never has been a 'ban'. The reality is that the only basic requirement for marriage is that a couple are a man and a woman.

Civil partnerships are the institution created for legal same-sex relationships. Our argument that 'gay marriage' is not about 'equality' is borne out by the government's insistence that civil partnerships will only be open to same-sex couples. Hence to suggest there is a 'ban' on same-sex couples getting married is an absurdity. We note that opposite sex couples not being able to have civil partnerships is not described as a 'ban'. Indeed, the proposed easy conversion of civil partnerships to 'marriage' serves to confirm that they are already practical equivalents for different forms of relationship – and consequently that there is no inequality.

There is no discrimination. Everyone has equal rights to marry – as long as it is someone of the opposite sex. Same-sex 'marriage' is a category error – like referring to a 'two-storey bungalow'. People are free to have same-sex relationships in the UK, so long as it is not called 'marriage'. In the same way, heterosexual people are free to have relationships which they can call anything they like, so long as it is not 'civil partnership'. The word 'marriage' involves a linguistic construction founded in nature, accepted in culture, and consistent in history. All of which suggest that the textual subversion in the consultation process is indicative of ideological prejudice.

2. The statement in the consultation that the number of responses will not be taken into account, allied to ministers' repeated public assertions that the 'consultation' is not about 'whether' but 'how' to introduce gay marriage makes the whole consultation undemocratic and unworthy of a government that purports to take public opinion seriously. In the absence of any popular mandate through clear manifesto commitments, by stating a firm commitment to change the legal definition of marriage prior to a substantive public debate and a consultation process, the Home Office is in effect pre-empting the outcome of the consultation.

3. Profound doubts exist about the robustness and integrity of the consultation itself. There has been a lack of clarity as to who can make a submission, and we understand that the consultation may not be able to eliminate responses from outside the UK, or even be able to eliminate repeat submissions. Unless it can report honest statistics it will lack validity. The outcome must be reported transparently with independent verification, and assurances will be required that all submissions are exclusively from within the UK, and that they have not been duplicated.

4. It is misleading for government ministers to state that the proposals are in response to "representations from many" groups and individuals seeking such a change. As the Alliance knows from direct experience it is plain that the so-called "listening exercise" only listened to one side, and at no point have ministers or civil servants provided lists of groups who favour the proposal. Polling has consistently shown that the majority of people do not favour redefining marriage. Ignoring the views of the public is unacceptable in a democracy and will inevitably have negative consequences for the credibility of parliament, politics and the government.

In terms of taking representations from religious organisations, the consultation states that "some" religious organisations oppose the proposals. This is a gross distortion of reality. The truth is that opposition to the proposals from religious organisations is overwhelming – almost unanimous. Indeed, such is the scale of opposition that it seems that the proposals have had the effect of uniting and galvanising all the main denominations and religions in the UK.

5. It is wholly misleading for the government to claim that it is "not seeking to change how religious organisations define marriage". It is abundantly clear that the substantive issue is how people – religious or otherwise – define marriage. To suggest that the only part of the population opposed to having its understanding of marriage redefined is 'religious' is deeply disingenuous. As polling and the record public petition demonstrate, there is widespread opposition to these proposals from the public as a whole.

The consultation claims that "no changes will be made to religious marriage". However, there is no such thing as 'religious marriage'. There is just 'marriage' – as the consultation confusingly also acknowledges. The government states that it is intending to change 'civil marriage' and not 'religious marriage'. However, the law has never recognised such a distinction. In reality, whereas wedding ceremonies may be religious or secular, there is only one legal, historical and natural definition of marriage. Positing the idea that it is possible to have two versions of marriage in the UK is disingenuous.

In relation to the erroneous descriptions of 'religious marriage' in the consultation, the accompanying promises of legal safeguards for religious groups to continue facilitating the natural-historical form of marriage with impunity cannot be relied on. As recent experience and public pronouncements indicate, it is likely that a few unrepresentative fringe religious groups will want to host 'gay marriages' if they become

legalised. Co-opting the legal and coercive power of the state, and backed by liberal elites in the media and politics, it is clear that enforcement of religious bodies performing and/or allowing same-sex 'marriages' will follow quickly and inevitably on the heels of the current proposals – as has happened in other countries. Indeed, it is likely that a campaign would be mounted for legislation to be introduced to compel churches to remove any 'ban' on conducting same-sex 'weddings' or lose their right to conduct traditional marriage ceremonies and/or charitable status etc. In relation to this scenario, legal advice we have received directly contradicts government statements and we do not believe that churches and individual Christians will be able to continue to enjoy freedom of conscience and freedom of expression about marriage and sexual ethics if the proposals were to be passed.

6. The language of the consultation is misleading about the crucial points involving adultery and consummation. The suggestion that these are not intrinsic to what marriage is and can be left 'for case law to develop' is patently absurd. If the government plans to amend the law to end the right to annul marriage through non-consummation this would reduce marriage so that it was emptied of its main significance – thereby denying the rights of the overwhelming majority of married couples.

Of course, the reason why this central issue is not being addressed clearly in the consultation is that consummation is a universal legal requirement of marriage – as a uniquely biological, life-giving act that represents the complete giving of love between a man and a woman. Indeed, without consummation annulment is possible. Gay 'marriage' patently cannot claim equality in this obvious regard (which is why it was left out of the civil partnership legislation). There can be no meaningful biological complementary union between people of the same sex, so there can be no equivalent 'consummation'. Its misrepresentation in the text of the consultation suggests that the creation of legal fictions is already being considered as a way of avoiding the issue.

To summarise these introductory comments, the undemocratic and ideologically construed nature of the process of consultation represents a failure to properly consult the public on an issue that fundamentally affects everyone in society. Consequently, it represents a serious dereliction of democratic accountability. It is clear that many people in the gay community do not want 'gay marriage', and official figures suggest that the actual number of people seeking such a redefinition probably amounts to some 0.5 per cent of the population.¹ To force such momentous social change on the overwhelming majority of the population via a deeply compromised consultation process would be seen as a clear case of coercive social engineering. Not only would it further demean politics, but it would also damage our plural society by exacerbating social division.

In light of the linguistic and textual distortions of the issue in the consultation, the submission of the Evangelical Alliance will necessarily require adaptation. Question 1 of the consultation asks whether contributors agree or disagree with the proposal to redefine marriage, but the footnote then effectively discounts those who say 'no', while Question 2 invites people to say why they agree/disagree. As with most respondents who disagree with the proposal we intend only to answer the first two questions since the vast majority of the consultation has been designed to be irrelevant to those who disagree.

Although we are effectively restricting our response to Questions 1 and 2 the Government Equality Office has agreed that we may set aside any word limit. The points we shall make in the next section will summarise some of our main reasons for opposing the proposal. Occasionally we shall refer to the theoretical situation that could pertain should the government go ahead in spite of opposition. Where this occurs, we wish to clarify it is not because we in any way accept the proposals as inevitable. It is because we wish to highlight unacceptable or unforeseen consequences and likely scenarios.

¹ The Office for National Statistics Integrated Household Survey of 23 September 2010 confirmed that 1.5% of the population identified as Gay/Lesbian or Bisexual. The approximated figure of 0.5% of the population seeking redefinition is extrapolated from the fact that only 39% of gay people see gay marriage as a priority (*ComRes* survey – June 2012).

Specific Responses

1. The Evangelical Alliance opposes any proposal to redefine marriage to make it open to same-sex couples.

The Alliance believes that such a move on behalf of a tiny, unrepresentative and ideologically motivated minority would be harmful to society as a whole.

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. Although it is recognised and valued as the life-long, voluntary union of one man and one woman for procreation of children as defined by law (and was reaffirmed as such in the 2006 case of *Wilkinson and Kitzinger*), marriage is much more than this. Predating English law, the modern state and even the Christian church, it is a universal, historical and cultural good.

For some 2,000 years the orthodox Judeo-Christian view that marriage is uniquely concerned with the conjugality of maleness and femaleness for the purpose of life-giving and companionship has been regarded as intrinsic to the human condition. This natural state is also reflected in the world's other main religions. History and biological (and spiritual) compatibility confirm that marriage is the joining together of two people so they become one. This reality arises from human nature, not human law. The marriage of man and woman is complementary like a fully interlocking jigsaw. Another analogy is that of a plug and a socket, and there cannot be such a union between a plug and a plug. That would be a logical absurdity, and for centuries UK law has reflected this reality. Non-consummation annuls marriage because no meaningful union has taken place. Adultery is incompatible with marriage because it is not possible to have three people in a marriage. Marriage is therefore not just about 'commitment' and 'love' which would be a reductionist/consumerist version without any precedent, mandate or rationale. Marriage is a uniquely male-female union – and always will be.

2. Marriage is primarily about the generation of children and is not just about the couple themselves.

Traditional marriage recognises the fact that a man and a woman in a sexual relationship are highly likely to produce children. This is why society has traditionally privileged the family in legal recognition. Only a man and a woman are 'apt' for procreation and it should not be the interest of the state to be concerned with questions of willingness or age when the presence or absence of children is concerned. There is a very strong public interest in encouraging the best possible arrangements for raising children. It is an inescapable fact that a redefinition of marriage that is at heart unnatural and counter intuitive will inevitably weaken the place of the family in society.

It is logical and reasonable to have separate legal arrangements for same-sex couples because they can never produce a baby – a fundamental fact not altered by the possibility of adoption or artificial insemination for which special legal rules apply. Consequently, unavoidable dissimilarity based on fundamental biological/natural reality justifies differentiation in social and legal institutions.

3. Redefining marriage would make marriage adult rather than child-centred.

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. Redefining marriage would undermine this distinctiveness and it would risk normalising the technological instrumentalisation of reproduction. This would increase the number of families where there is confusion with regard to biological, social and familial identity. Also, the production of children by means of donors effectively introduces at

least three people to a marriage. On the basis of minority consumer choice it is grossly irresponsible to undermine this fundamental natural building block of society in this way. The state is legitimated by its primary role of securing institutions for future generations. When governments play politics with marriage there will clearly be adverse consequences for the cohesiveness of society and future generations.

Importantly, marriage does not, and has never merited, special recognition simply because it marks an intimate 'committed relationship' between two people, as the reductionist/consumerist definition proposed by the government suggests. 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.

Evidence shows that children do best mentally, physically, educationally and socially when raised by their biological parents.² This means that family (and social) stability is itself founded on the biological union between a man and a woman geared towards the procreation and raising of children. Consequently, the interest of the state should be in protecting, preserving and promoting the institution of marriage – not in privatising it as part of a political agenda of a minority group. Indeed, given the coercive nature of the proposals to date, it is perhaps not unsurprising that there is no mention of children in the consultation – at all. With the crucial element of children missing from the consultation, it is not hard to discern that there is a worrying ideological agenda to decouple children from marriage.

Children have a fundamental human right to be brought up by their own married biological mother and father, and parents have a fundamental responsibility to raise their children.³ If the case for 'gay marriage' (according to the government minister responsible) rests on 'an emotional need' of adults in same-sex relationships, surely the 'emotional need' of a child for its own mother and father is incomparably greater. Sadly, this seems to have been overlooked, and it is clear that legalising 'same-sex marriage' would legitimise and encourage the existence of fatherless or motherless children.

To quote gay statistician Graeme Archer (*Daily Telegraph* 5 May 2012):

"The evidence that children raised in standard two-parent families fare, on average, better in life than their peers – and that boys in particular benefit from the presence of a father – is so strong that it takes a wilful perversion to ignore it. Deliberately to engineer children who cannot, by definition, have the advantage of a traditional family, in the hope that this brave new cohort will fashion into existence a "more equal" society – code for "one where fathers don't matter" – is, and I don't use the word lightly, irrational. Unfair outcomes, such as childlessness, happen to good men and women: liberation – for gay people, as well as for those who won't, or can't, marry – is about self-acceptance, not battling against the rules of biology, which is in any case a futile endeavour. It does take a village to raise a child. But the process should start with a mother, and a father."

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.

Quite apart from the spiritual and biblical reasons for supporting marriage as being between a man and a woman, the Evangelical Alliance is, and always will be, committed to the conviction that we must never diminish or reduce the natural and social meaning of marriage.

² See: *30 Years of Research that tell us 'A Child Deserves a Mother and a Father'* by Jenny Tyree which is available at <http://www.citizenlink.com/2010/06/17/30-years-of-research-that-tells-us-a-child-deserves-a-mother-and-a-father/>

³ cf. The United Nations Convention on the Rights of the Child, especially articles 3, 5, 7 and 9.

4. Civil partnerships already confer all the rights and benefits of marriage on same-sex couples.

While other relationships deserve respect and legal provision which approximates to equality, they are not and cannot be 'marriage'. Equality does not mean sameness or uniformity. Equality is supposed to go hand in hand with diversity. The law often rightly discriminates to preserve commonsense difference and diversity, and there is no evidence that gay people are being treated unequally because they are not 'married'. The current proposed measure would force diversity to be lost and illogically and coercively minimise difference where difference is wholly appropriate, socially acknowledged (and even celebrated) and right.

Same-sex couples can already obtain all the legal benefits of marriage by entering a civil partnership. Despite many requests to government for an explanation as to why gay marriage is necessary given that no further rights can be conferred that are not already available nor any injustices corrected, no answer of significance has been received. Indeed, as mentioned above, the government minister responsible for the proposed redefinition of marriage herself informed us that the only justification for the measure was "to meet an emotional need of some same-sex couples".

There are many emotional needs in the world but we do not, cannot and should not legislate for them, especially when doing so affects a multitude of other people for whom the meaning of marriage is settled, appreciated and unchangeable. There is therefore no justifiable need for same-sex 'marriage'. As the gay Labour MP Ben Bradshaw has stated: "This is not a priority for the gay community, which already won equal rights with civil partnerships. We've never needed the word 'marriage'." (*Daily Mail*, 14 April 2012). It is clear from a recent opinion poll that many gay people are not seeking 'gay marriage', not least because they consider that its imposition will polarise society and result in increased public homophobia. It needs to be noted that many 'gay marriage' campaigners do not speak for the majority of gay people in the UK, many of whom do not want 'gay marriage' because they entered into civil partnerships which they regard as wholly appropriate. The poll of gay people's attitudes to same-sex marriage carried out by *ComRes* between 17 April and 20 May revealed that only 39 per cent view redefining marriage as a priority. The survey also revealed that fewer than half of gay people accept Stonewall's main argument for same-sex marriage, that a legal distinction between civil partnerships and same-sex marriage perpetuates discrimination.⁴

5. All marriages would be affected because to redefine marriage would be to alter the fundamental nature of the union and diminish its value as a social institution.

Marriage does occupy a unique place in society. It is a bedrock universal institution and provides the most stable environment for family – the primary socialiser. Sir Mark Potter, President of the Family Division of the High Court, made a clear statement in the *Wilkinson and Kitzinger* case in July 2006 that remains wholly valid today:

"It is apparent that the majority of people, or at least of governments, not only in England but Europe-wide, regard marriage as an age-old institution, valued and valuable, respectable and respected, as a means not only of encouraging monogamy but also the procreation of children and their development and nurture in a family unit (or "nuclear family") in which both maternal and paternal influences are available in respect of their nurture and upbringing.

The belief that this form of relationship is the one which best encourages stability in a well regulated society is not a disreputable or outmoded notion based upon ideas of exclusivity, marginalisation, disapproval or discrimination against homosexuals or any other persons who by reason of their sexual orientation or for other reasons prefer to form a same-sex union.

If marriage, is by longstanding definition and acceptance, a formal relationship between a man and a woman, primarily (though not exclusively) with the aim of producing and rearing children as I have described it, and if that is the institution contemplated and safeguarded by Article 12, then to accord a same-sex relationship the title and status of marriage would be to fly in the face of the Convention as well as to fail to recognise physical reality.

⁴ <http://www.catholicvoices.org.uk/monitor-blog/2012/06/cv-publishes-first-ever-poll-gay-attitudes-same-sex-marriage>

Abiding single sex relationships are in no way inferior, nor does English law suggest that they are by according them recognition under the name of civil partnership. By passage of the CPA, United Kingdom law has moved to recognise the rights of individuals who wish to make a same sex commitment to one another. Parliament has not called partnerships between persons of the same-sex marriage, not because they are considered inferior to the institution of marriage but because, as a matter of objective fact and common understanding, as well as under the present definition of marriage in English law, and by recognition in European jurisprudence, they are indeed different.

The position is as follows. With a view (1) to according formal recognition to relationships between same sex couples which have all the features and characteristics of marriage save for the ability to procreate children, and (2) preserving and supporting the concept and institution of marriage as a union between persons of opposite sex or gender, Parliament has taken steps by enacting the CPA to accord to same-sex relationships effectively all the rights, responsibilities, benefits and advantages of civil marriage save the name, and thereby to remove the legal, social and economic disadvantages suffered by homosexuals who wish to join stable long-term relationships. To the extent that by reason of that distinction it discriminates against same-sex partners, such discrimination has a legitimate aim, is reasonable and proportionate, and falls within the margin of appreciation accorded to Convention States."

Introducing same-sex 'marriage' would in fact render marriage a 'genderless' or 'gender neutral' institution. This directly denies the rights of married couples to be part of a unique institution reserved for one man and one woman based on their complementary biology and procreative potential. In the event of a redefinition, millions of people who entered marriage because of its identification with opposite sex union, procreation and family stability would be forced to be part of a radically different institution – one in which the settled terminology of 'husband' and 'wife' and 'mother' and 'father' would be ideologically deconstructed.

Also, 'gay marriage' would undermine the essential conjugal components of fidelity and chastity in the marriage union. These fundamental characteristics of marriage are not recognised at all in the government consultation, and their omission represents another example of reductionism and the distortion of the nature of marriage.

The redefinition of marriage would have direct implications for people of religion. Although the government states that it "is not seeking to change how religious organisations define religious marriage" this is deeply misleading because the proposals will mean changing how all of us define marriage, whether we subscribe to a religious faith or not. Marriage – whether people like it or not – will no longer be defined as the union of a man and a woman, but of two persons of either sex. The proposed change would have a momentous impact on corporate and individual freedom of religion and/or freedom of conscience. If a redefinition of marriage was imposed (lacking a democratic mandate it cannot be 'introduced'), the legal and coercive power of the state would respectively criminalise and stigmatise/marginalise people and organisations that refuse to accept or assent to such a redefinition. With huge parts of the population rendered guilty of 'homophobia' or 'hate speech', the 'chill' effect would deeply polarise and unsettle society. (see point 7)

The political imposition of 'gay marriage' in the name of equality will actually exacerbate inequalities and require vast changes to thousands of areas of law that would greatly extend the legal and coercive power of the state in people's lives. Although the effects of a redefinition of marriage may not be immediate, month by month and year by year the legal and coercive power of the state would develop to fuel a social, political and cultural disaster.

6. Plans to redefine marriage are opposed by the majority of the British public and have no democratic mandate.

Polling has shown that 70 per cent of the population support the view that marriage should remain an exclusive commitment between a man and a woman (Marriage Survey, *ComRes*, 23-24 February 2012). The Coalition for Marriage petition against redefining marriage has gained more than half a million signatures in little over two months and is still growing while the rival petition is relatively small (currently outnumbered

10:1). This effectively demonstrates the overwhelming preference of the British public to preserve the historic definition of marriage as between one man and one woman.

The proposals represent a democratic deficit. The pre-election manifestos of the governing parties did not include any commitments to redefine marriage. To proceed without a mandate on such a momentous issue is socially unacceptable, politically deceitful and is likely to foster an increased sense of disenfranchisement in the public.

In light of the lack of a democratic mandate, the flawed consultation system and the denial of a substantive public debate about proposals to redefine marriage, in order to avoid accusations of social engineering or liberal authoritarianism, a referendum is appropriate and necessary.

7. Legislating for 'same-sex marriage' is complex, costly and socially destructive.

Despite government promises about safeguards for those who cannot and will not accept a redefinition of marriage to involve same-sex couples, in the event of the law changing it is clear that individuals, groups and organisations would inevitably face legal challenges for expressing the belief or opinion that, by its nature, marriage can only be between a man and a woman. Although evangelical Christians have a very strong historical commitment (and contribution) to the Rule of Law, the Evangelical Alliance supports this affirmation of truth about marriage and, in the event of marriage being redefined as proposed, it is clear that millions of people will find it impossible to accept official definitions.

We believe that the fundamental human rights of freedom of religion, freedom of conscience and freedom of speech transcend the undemocratic, ideologically motivated social engineering that the proposals represent. It needs to be stressed that such convictions cannot be 'changed' just to fit in with any newly imposed legislation – they derive from people's innate awareness of who they are as human beings together with beliefs and worldviews that pertain to identity. In the event of evangelicals maintaining and expounding the position that any legislative redefinition of marriage is a legal fiction and an absurdity, we would regard any subsequent legal cases brought and civil cases arising as state repression of our core beliefs, an assault upon Christian identity and a denial of fundamental civil liberties.

Employment and engagement with statutory bodies on issues relating to sexual ethics have already experienced difficulties with secularist applications and interpretations of the law. In some cases employees have faced disciplinary action and even dismissal because they were unable in good conscience to facilitate civil partnerships as part of their employment duties. To cite one example, Adrian Smith, a housing manager in Manchester, was demoted and his salary was cut merely for expressing his views about marriage on his Facebook page. Also there have been difficulties for married couples seeking to foster or adopt children because they uphold traditional marriage and/or adhere to Christian sexual ethics.⁵

With marriage seen as a central element in human relations, many religious organisations and churches currently offer much needed advisory services, marriage courses and counseling for couples preparing for marriage and for those already married. If marriage is redefined it is quite likely that, despite any assurances about legal safeguards, these services will be degraded and/or closed down in future because of their traditional views about marriage. Their restriction or closure would contribute further to the dramatic collapse in stable family life based on responsible parenting. With the annual cost of family breakdown currently estimated at £42 billion each year⁶ any reduction of Christian advice and support services could exacerbate costs to unsustainable levels.

⁵ Catholic adoption agencies have been forced to close and in 2010/11 Eunice and Owen Johns faced difficulties in their application to Derby City Council to become foster carers because of their views on homosexuality. See also *Clearing the Ground Inquiry: Preliminary Report into the Freedom of Christians in the UK*, Christians in Parliament, February, 2012.

⁶ See Relationships Foundation Briefing Note 5, February 2010 at www.relationshipsfoundation.org

The potential costs to the taxpayer of legalising 'gay marriage' are immense. If civil partnerships are made available to everybody (which is the logical outcome of the present proposals based on equality considerations), Stonewall, quoting from an official impact assessment relating to civil partnerships legislation, claimed that it would cost the Exchequer £5 billion in lost revenue (See *Pink News* of 20 September 2010).

As we have stated, the proposals pose significant threats to religious identity, freedom and practice in the UK. Experience suggests that those who resist official definitions are likely to be refused permission to carry out heterosexual marriages under the public sector equality duty of local authorities. Those who protest would be guilty of hate crimes. In this context, a cultural environment would inevitably arise in which a notion predominates that any opposition to gay marriage is 'homophobic bigotry'. Traditional perspectives on marriage (that are prevalent globally with the exception of tiny cosmopolitan liberal elites in the West) will be treated as 'irrational hatred' by media, and political elites. This will bring powerful social and psychological pressures to conform to the dominant discourse, and to shun and disbar any group or individual promoting traditional marriage. A complaint lodged against anyone promoting traditional marriage – including by churches and others – would be taken seriously and investigated by the police, thereby producing an all-pervasive chilling effect.

Although the government consultation states that "no-one should face legal action for preaching", it is evident that those who persist in public assertions that marriage is only between a man and a woman would make a nonsense of any law which states the opposite. Ultimately, the obvious trajectory begun by any legalisation of 'gay marriage' would result in legal, financial and tax pressures (threats to charitable status etc.) against churches to abandon orthodox Christian teaching. With religious freedom and freedom of conscience underpinning many other human rights and also being generally considered to be the litmus test for a democracy, this would represent a significant turn for British politics. Allied to this scenario, it is very disturbing that, given the widespread public apathy regarding 'gay marriage', no safeguards have been promised for non-religious people to express a contrary view. To avoid detrimental effect upon conceptions of a common citizenship, this should be addressed as a matter of urgency.

An example of the legal and coercive power of the state in relation to this issue can be seen in the recent case of the advertising regulator launching an investigation into advertisements which simply support the current law on marriage. On the basis of receiving 10 complaints, the Advertising Standards Authority (ASA) (which is chaired and directed by a prominent gay rights activist) launched an investigation into the "offensive" Coalition for Marriage advertisements.⁷ This default hostility is deeply illiberal and represents an early troubling sign of what may happen if marriage is redefined. Will the state mobilise to pounce on every utterance in support of traditional marriage? Will a handful of activists demand punitive action every time someone thoughtlessly uses "deeply offensive and heterosexist" phrases such as 'husband and wife'?

The government asserts in its consultation document that churches would not be forced to conduct 'gay marriages'. This is deeply misleading. Given the reality of political agendas being mediated through legal challenges, it is highly likely that within a few months of any legalisation of 'gay marriage' a case demanding that a gay couple be allowed to get married in Anglican churches will arise that will probably end up at the European Court of Human Rights. Most legal opinion agrees that the European Court would 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.⁸

In light of recent legal challenges, judicial confusion and political manoeuvring, religious groups have very good reasons not to trust politicians' promises to protect them. As with civil partnerships on religious premises, the evidence suggests that religious groups and individuals will be subjected to immediate and constant pressure to acquiesce. With the advent of judges being increasingly required to adjudicate on

⁷ See for example, <http://www.asa.org.uk/Media-Centre/2012/ASA-statement-on-Coalition-for-Marriage-ads.aspx>

⁸ See Legal Opinion by Aidan O'Neill QC of Matrix Chambers dated 4 June, 2012 for the Coalition for Marriage.

theological issues and ecclesial authority, it is inconceivable that if 'gay marriage' was introduced it would be maintained only in respect of a newly delineated form of civil marriage. In this context no government can give assurances about protecting religious rights to promote and facilitate traditional marriage.

8. Legislating for same-sex marriage would have huge implications for the education of our children.

If marriage was redefined, children in schools would inevitably be required to be taught that society recognises no distinction between the marriage of a man and a woman and a marriage between two men or two women. It is likely that large numbers of teachers will object to this. Yet, ultimately they would be required to teach what they regard as erroneous and harmful. In addition, as recent trends have shown, parents will be unable to withdraw their children from classes where 'gay marriage' is taught as socially normative. A definition of marriage would place many faith schools in the impossible position of being required to teach what they intrinsically know to be wrong, precipitating a large scale and socially divisive clash of rights. Logically alongside the wholesale restructuring of the education system in England, redefining marriage is highly likely to lead to disestablishment of the Church of England.

9. The experience of other countries that have legislated for 'same-sex marriage' confirms that it is likely to lead to demands for a further redefinitions and a general devaluation of marriage.

Eleven countries, together with Mexico City and six US states, have already legislated for 'same-sex marriage'. Although it is too soon to assess the full impact of the legislation, there are already early indications that there are far-reaching consequences which, in time, will lead to further legislative demands. These include:

- Changing birth certificates so that they refer to 'Progenitor A' and 'Progenitor B' rather than 'mother' and 'father'. (Spain)
- Giving legal recognition to threesomes. (Netherlands)
- MPs recently voting through law making it mandatory for churches to conduct 'gay marriages'. (Denmark)
- Proposals to introduce fixed-term marriages. (Mexico)
- Teachers finding it increasingly difficult to teach about traditional marriage and family and parents reporting children being confused leading to increasing conflict between schools and parents. Also, the church under strong pressure to perform 'gay marriages'. (Norway)
- Attempts to use same-sex 'marriage' as a precedent to legalise polygamy. (Canada)

Same-sex 'marriage' became law in Canada in the summer of 2005, making the country the fourth nation to pass such legislation, and the first in the English-speaking world. In the few debates leading up to the decision, it became almost impossible to argue in defence of marriage as a child-centred institution, or in defence of the procreative norm of marriage, or in defence of the superiority of two-gender parenthood, without being accused of hatred and bigotry. Once 'gay marriage' became legal, Canadians also discovered that critics are often silenced by the coercive force of the law. It has been estimated that, in less than five years, there have been between 200 and 300 proceedings – in courts, human-rights commissions, and employment boards – against critics and opponents of same-sex marriage. And this situation doesn't take into account the casual dismissals from employment that have occurred. In 2011, by way of one example, a well-known television journalist on a major sports show was fired just hours after he tweeted his support for "the traditional and TRUE meaning of marriage". He had merely been defending a hockey player's agent who was receiving numerous death threats and other abuse for refusing to support a pro-gay-marriage campaign. The case is still under appeal.⁹

In Denmark, the recent parliamentary vote related specifically to the Evangelical Lutheran Church which is the Danish equivalent of the Church of England. The legislation does permit individual Lutheran ministers who are opposed to 'same-sex marriage' to decline to officiate. In such circumstances, the local bishop "must" arrange a replacement for their church. However, it is not clear what happens when the bishop is also

⁹ <http://www.nationalreview.com/articles/301641/canadian-crackdown-michael-coren>

opposed in conscience to 'same-sex marriage'. This example of what has happened in another European jurisdiction is important for the debate in the UK because it is highly likely that ministers of the established Church of England will sooner or later be obliged by law to officiate at homosexual unions, and where they refuse, the local bishop will be obliged to provide a replacement. The government has been disingenuous in some of their public statements relating to this issue. They frequently state that "churches will be protected" when what they actually mean is that, while no individual vicar will be forced to conduct 'gay marriages', churches will be required by law to make their buildings available for the ceremonies. And the denial of use of the premises would constitute grounds for legal action. In other words, historic religious collective rights will be removed altogether in favour of individual consumer choice. The implications for churches in the UK are clearly serious.¹⁰

The proportion of gay people opting for 'same-sex marriage' has been miniscule in every jurisdiction in which it has been legalised. This reinforces the absence of any demonstrable need for 'gay marriage'. Where it has been introduced, it has merely created the demand for recognition of other forms of relationship to be recognised as marriage, thereby, if anything, undermining marriage even further. Once the state legislates for 'marriage' between two men or two women on such reductionist/consumerist grounds it will consequently become difficult to maintain any principled objection to marriage between other currently restricted relationships where 'love' and 'commitment' are the only stated requirements. On what logical and reasonable grounds would the state be able to resist a campaign for e.g. polyamory based on 'equality' and 'emotional need'?

Also, once enacted, as the Spanish government is now finding, despite popular calls for it to be repealed, the legal complexity that redefining marriage brings makes the removal of such laws very difficult.

Conclusion

The Evangelical Alliance believes that marriage is fundamental to the good of society at every level and is crucial for the wellbeing of children. We wish to emphasise that, although we are a religious group, we believe that with regard to the basic principles of marriage we speak for society as a whole, including the many who are largely voiceless through being unaware of the true facts. The Alliance is convinced that introducing gay marriage would radically transform and irreparably reduce the nature of marriage for which the social and economic costs will be incalculable. These costs would inevitably include greatly increased risks of social, religious and legal polarisation. Pursued for a minority within a minority, they would have a deep and damaging effect on the social cohesion of society.

These proposals represent a paradox. They suggest the effective privatisation of marriage via a huge expansion of the legal and coercive power of the state. Lacking popular support, they are undemocratic, yet they are described as a 'consultation'. In the name of extending choice, they are profoundly illiberal. In the name of equality they militate against difference and diversity.

To all intents and purpose 'gay marriage' appears to be part of a relativistic programme aimed at minimising sexual differentiation. No government should play such politics with marriage. Indeed, it is a primary responsibility of governments and states to preserve and promote marriage, not to privatise it.

Predetermining a required outcome for this consultation is a recipe for disaster and will inevitably result in unwelcome social and political consequences. If such a momentous change to society is to be considered, then society should be consulted. If this is to proceed with any credibility a referendum is needed.

¹⁰ <http://www.telegraph.co.uk/news/worldnews/europe/denmark/9317447/Gay-Danish-couples-win-right-to-marry-in-church.html>

The Alliance urges the government to abandon this unnecessary, unhelpful and ill-considered proposal and instead recognise that civil partnerships offer all the rights and correct all the injustices that gay people may suffer in comparison to married couples. 'Love' and 'commitment' covers a whole range of relationships, but they are not and cannot be sufficient as a basis for 'marriage'. Biological complementarity is essential for marriage per se – between one man and one woman, and for the children that may follow.

As Jesus affirmed:

"... at the beginning the Creator 'made them male and female,' and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh.' So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate."

Matthew 19:3-6

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