

Muslim Council of Scotland, MCS
Response to the Consultation
Registration of Civil Partnerships and Marriage

General Points:

We welcome the opportunity to respond to the consultation.

The views expressed here came out of discussions in many public meetings plus many group consultations.

We are making our response to this consultation even though the Scottish Government has chosen to make its initial views clear at the outset of this consultation.

But we take the Scottish Government at her word, *“although we have expressed our initial view, we give an assurance that all views will be listened to. No final views have been reached and no decisions have been taken”*

In expressing our views we do not mean any degradation or offence to anyone. We have no wish to force our views on others neither to deny them their rights.

The following points are put together to prevent repetition when answering the consultation’s specific questions.

We express what we believe is the acceptable way to practice our faith.

We are sure that what we have stated in our response is also in agreement with the Universal Declaration of Human Rights and European Convention on Human Rights.

We realise the difficulty of applying the Equality Acts when there are conflicting characteristics within them. This is a significant issue especially as there is no **hierarchy** to the protected equality characteristics.

We hope that in cases such as this, the established faith principles that are well tested and proven to provide good societies should be respected and its holders given the right to live by these principles and practice a lifestyle based on them for the benefit of the society as a whole.

We also present our views which we believe are consistent with many other segments of the Scottish Society, faith or none.

We believe that our views are for the good of the Country as a whole not only our group.

Marriage in Islam

From the Quran:

“O people, beware of your Lord, Who created you of a single soul, and from it created its mate, and from the pair of them scattered many men and women; and fear God by whom you claim [your rights] from one another and kinship ties. Surely Allah has been watchful over you” [Sura 4, Verse 1]

Also:

“ And of His signs is that He created for you from yourselves mates that you find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give reflect” [Sura 30. Verse 21]

The local Imams have expressed their views in a letter to the first minister which says:

The Imams of Glasgow are extremely worried at the Scottish Government’s plans to introduce legislation to allow civil partnerships to be registered and solemnised on religious premises; ceremonies to be conducted by religious celebrants. Islam does not condone homosexual behaviour in any shape or form, therefore conducting such ceremonies on the religious premises of Muslims is totally unacceptable to the entire Muslim community. Any moves in this direction will be resisted by the community with all the vigour at their disposal.

We are further distressed to learn that your government intends to legalise same-sex marriages in Scotland. Marriage by definition is a union of a heterosexual couple to set up a family unit. A family for a Muslim is the fundamental building block of our society. We should do all we can to strengthen family units in our society and desist from any actions that weaken this sacred institution. Introduction of same-sex marriages will not only alter the definition of marriage but also undermine the institution of the family in our society.

Therefore we urge you to reconsider the proposed legislation and not introduce any laws that will threaten the sanctity of religious premises or undermine the institutions of marriage and family in our country.

Registration of Civil Partnerships

The first part of the consultation paper seeks views on the possibility of allowing religious ceremonies for civil partnerships.

The main issue is that Islam – like many other religions- forbids same sex relationships.

Scientific Medical and Social research always confirmed the many risks of practicing same sex relations on health, social relations and children's upbringing in addition to the long term harm to the whole Society.

The act of union between two of same gender is not recognised by Islam and those who practice it have ignored or opted out of the teachings of Islam, the result is that no religious leader will bless their relationship against his conscience.

No Muslim religious leader, Imam etc, will undertake such a ceremony and no religious body will allow it in its premises.

It is not a matter of religious intolerance but it is a matter of religious practice. People are allowed to worship and practice Islam in the Religious places as it is revealed and practiced and not as they wish to invent.

Actions against Islamic teachings are not allowed in Islamic places of worship. The removal of the prohibition of religious ceremonies for Civil Partnerships should only apply to those religious groups which accept this practice.

However it will put others under pressure to join in against their wishes and for this reason the legislation should be very clear and definite in that there should be no requirement to carry these ceremonies.

Moreover, it should also protect places of worship and community centres from being required to carry the ceremonies against their wishes.

Introduction of same sex union under marriage:

The second part of the Consultation raises a more serious point of principle. Everyone considered the Introduction of same sex relations under marriage to be a contradiction and a falsehood.

The definition of marriage is a union of a man and a woman to live in tranquillity, compassion, kindness and form a human family, father, mother and children.

Marriage is recognised in all ages and cultures as a lifelong commitment between man and woman, complementing each other. Marriage brings together men and women, to raise children who descend from a known father and a known mother. Marriage is not about sexual relations only.

The family as such is the institution created by God with the creation of mankind, it is not an invention of society, but it preceded society. Thus the society and Government representing this society do not have the authority to change that definition of marriage.

There are many rules and regulations governing married life from start to end, none of them include same sex relation as a form of marriage.

The laws of the States always **recognised marriage**. No state or group has the right to **redefine** the established definition of marriage for all of society.

Opposing the **redefinition** of marriage is not intolerance.

The change of the definition of the family would mean that all the humanity's wealth of literature and scriptures about the marriage and the family would have a different meaning from that that it was intended. This represents a destruction of human heritage from the past and a distortion of the future understanding of this heritage.

For these reasons same sex relations should not be described or registered as marriage at all.

About MCS

The Muslim Council of Scotland is a membership-based umbrella organisation, which accommodate and reflect the variety of social and cultural backgrounds and outlook of the Muslim community.

It is an independent body working to promote consultation, cooperation and coordination on Muslim affairs in Scotland. It is a non-sectarian and non-partisan body working for the common good.

Muslim Council of Scotland seeks to draw on the talents and specialist skills of individuals and the strengths of organised bodies to prepare the case for, and advocating, the responsibilities and rights of Muslims living in Scotland

CONSULTATION QUESTIONS

The registration of civil partnerships

Question 1 Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

No X

Comments

See General points .

Question 2 Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?

No X

Comments

Government should not decide what goes in places of worship. Neither allows nor prevents. Only in conditions of security and safety and with consultation with the premises owners or occupiers.

Question 3 Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

No X

Comments

See General points, letter from Imams to first minister.

Religious celebrant should not be required to act against their beliefs and conscience.

Question 4 Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

No X

Comments

See question above

Question 5 Do you agree that religious bodies should not be required to register civil partnerships?

Yes X

Comments

As stated in the General points, Religious bodies should not be required to act against their beliefs and conscience.

Question 6 Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

Yes X

Comments

Allowing individuals to act against their professional/ leadership/ employer body is not lawful and no law should encourage discourse and divisions within Religious bodies.

Question 7 Do you agree that individual religious celebrants should not be required to register civil partnerships?

Yes X

Comments

Celebrants should not be required to act against their beliefs and conscience, whether within the religious premises or outside as individuals.

Question 8 Which of the options do you favour to ensure that religious bodies and celebrants do not have to register civil partnerships against their will? Do you favour:

Neither X

Comments

We do not think that any kind of registration of Religious bodies is needed, since this is a civil contract. Such register will create grounds for divisions and attack or stigmatisation on the Religious bodies who refuse to enter.

Question 9 Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

No X

Comments

In normal conditions this is not needed, but if there is to be a law allowing Religious registration of civil partnerships, then it should also state clearly and definitely religious premises cannot be used against the wishes of the relevant religious body. This will stop any future challenges to the Religious bodies.

Same sex marriage

Question 10 Do you agree that the law in Scotland should be changed to allow same sex marriage?

No X

Comments

See general points.

A definite NO response, supported by all community groups and individuals. It will undermine the family and consequently the whole society.

It is a new concept then it should have a new name, the prefix same-sex will soon disappear and confusion and distortion of marriage will happen.

Question 11 Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Yes X

Comments

Religious bodies should not be required to act against their beliefs and conscience.

Question 12 Do you agree with the introduction of same-sex **civil** marriage only?

No X

Comments

The strong objection is for the misuse of the word **marriage**, as stated in the General points. It should remain a **civil partnership** not marriage.

Question 13 Do you agree with the introduction of same-sex marriage, **both** religious and civil?

No X

Comments

The strong objection is for the misuse of the word **marriage**, as stated in the General points. It should remain a **civil partnership** not marriage.

Question 14 Do you agree that religious bodies should not be required to solemnise same sex marriage?

Yes X

Comments
See general points. And Q 5

Question 15 Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?
Yes X

Comments
See general points. And Q 6

Question 16 Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?
Yes X

Comments
See general points. And Q 7

Question 17 Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will? Do you favour:
Neither X

Comments
See general points. And Q 8

Question 18 Religious bodies may not wish their premises to be used to solemnise same sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?
No X

Comments
See general points. And Q 9

Question 19