

**Same Sex Religious Marriage Consultation**

**Northern Ireland Office**

**Stormont House**

**21 Feb 2020**

**Response from the Methodist Church in Ireland**

Rev Sam McGuffin – President of the Methodist Church in Ireland

Rev Heather Morris – Secretary of the Methodist Church in Ireland

Rev David Turtle – Convenor of Faith and Order

Rev David Clements – Chair of Council on Social Responsibility

On behalf of the Methodist Church in Ireland we have completed the online response to this consultation. However, as the survey format did not allow for any commentary or explanation in the response to the questions, we would like to submit this slightly fuller response.

In summary we are content with the protections that are proposed for a denomination such as our which will not want to permit same-sex marriage. We do have some concerns for the protection of workers, such as florists, who may be uncomfortable for religious reasons, in playing an, albeit ancillary, role in a same-sex wedding.

In completing the online survey, we did note that there did not seem to be any obvious way for you to verify the credentials of anyone claiming to speak for an organisation.

**Our Response to the Questions.**

1. Do you agree that consent of the governing authority should be required before officiants can be appointed to solemnise same-sex religious marriage?

a. Yes, we agree.

2. Do you agree that officiants should be free to choose whether to solemnise same-sex marriages, even where their religious body chooses to consent to such marriages?

a. Yes, we agree. It is important that no individual officiant within a religious body, regardless of its views on the definition of marriage, be compelled to conduct a same-sex marriage against their conscience. To compel an officiant to act in this way is both unnecessary and has the capacity to be detrimental to their wellbeing, causing genuine harm as their moral integrity will be compromised, having been required to act in a manner contrary to their beliefs.

3. Do you agree with the proposed general definition of “governing authority”, whose consent is required for religious bodies to solemnise same-sex religious marriages? Please note the general definition of “governing authority” in Northern Ireland is: ‘the person or persons recognised by the members of the religious body as competent for the purpose of giving consent’.

a. Yes, we agree. We believe it should be up to the Methodist Church in Ireland to determine whether its ministers should act as officiants for same-sex marriages.

4. Do you agree that the definition of governing authority should also include a person or body (such as a recognised decision-making body) that, on request, is specified in regulations?

a. Yes, we agree.

5. Do you agree that no religious bodies or persons acting on behalf or under the auspices of such bodies should be compelled to undertake specified activities relating to same-sex marriage?

a. Yes, we agree. We support the decision to adopt the approach put forward in England and Wales, rather than Scotland.

6. Do you agree that religious bodies (including persons acting on their behalf and under their auspices) and officiants should not be compelled to undertake the core functions specified in paragraph 49?

a. Yes, we agree. However, we would argue that further consideration should be given to the position of service providers such as florists and wedding photographers who do not support the redefinition of marriage. We recognise the potential difficulty in balancing competing rights in this area. Of course, we support the right of same sex couples getting married to avail of all the services they need. No doubt the majority if florists, photographers, etc., will be glad to provide their services. For the few who may on the grounds of their religious understanding of marriage, prefer not to provide a service in such circumstances, it would seem unjust to compel them. No doubt consideration will be given to the Supreme Court judgment in the ‘Ashers’ case and our hope would be that reasonable accommodation will prevail over litigation.

7. Do you agree that the existing protections plus the exceptions we are proposing to the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 and the Sex Discrimination (Northern Ireland) Order 1976 cover the services a religious body or person acting on its behalf might provide to the public in connection with same-sex marriage?

a. Yes, but with some concern for wider implications

We welcome that the exceptions will cover ceremonies held at the time the marriage is solemnised as well as ‘blessings’ and other ceremonies provided after the marriage or civil partnership is formed.

We would like to see the wording from paragraph 49 which refers to a ceremony or event to mark the formation of a marriage carried across to this section.

We welcome the fact that discussion or criticism of same-sex marriage will not of itself be an offence and that this has been made clear in regulation 142 of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019. However, we are concerned about the lack of clarity over what constitutes expressing opposition to same-sex marriage in a “threatening, abusive or insulting way” which is intended “to stir up hatred” or “arouse fear.” These terms are entirely subjective – one person’s statement of a clear opinion on this subject can be taken as an insult by another person even if that was not intended. We of course accept it is important that individuals who support same-sex marriage regardless of their sexual orientation are treated with respect. The same would of course go for individuals who have entered a same-sex marriage. However, we are concerned about a potential chilling effect on free speech in this area if further clarity is not provided as to the definitions of these terms. For example, if a minister of religion states from the pulpit that marriage is solely a union between one man and one woman for life would this be considered abusive? Or if a teacher in a classroom states their belief in an ethics class that marriage is only a union between one man and one woman for life in their opinion, could they be subject to disciplinary action for abusive or insulting behaviour? We would be hopeful that in both cases this provision would not apply, but additional clarity from the NIO would help ensure unnecessary legal cases are not brought in these areas.

8. Do you agree that the proposed protections (set out in sections 1.6, 1.7, 1.8 and 1.9) relating to consent, non-compulsion and equality law exceptions are appropriate for ministers/chaplains working in secular organisations?

a. We agree that whatever protections are put forward to protect officiants for religious bodies should also apply to chaplains/ministers. However, we believe further protections should be introduced beyond those put forward in the consultation document.

9. If you represent a religious body in Northern Ireland, would you choose to give consent to solemnise same-sex marriages?

a. NO

The Methodist Church in Ireland maintains the historic theological position that Christian Marriage is intended to be the lifelong union of one man and one woman. All our ministers are required to annually avow their commitment to Methodist Doctrine and Discipline. To solemnise a same-sex marriage would contradict both.