



Evangelical Christians and the Civil Partnership Bill 2009

The Irish Government has published a Bill that will establish Civil Partnerships for same sex couples to give them rights, obligations and protections once they are registered with the state. Many of the rights are similar to those currently offered to married couples under Irish Law.

What is the Civil Partnership Bill 2009?

The Bill

The Bill is the Government's response to the fact that same-sex couples are now a part of life in Ireland and to political pressure to legislate for gay marriage. The Bill's aim is to provide rights, obligations and protections for same sex couples that are, in many ways equivalent to those which are provided under law for married couples. In addition the Bill provides some protection for other cohabiting relationships but this protection is limited compared to what the Bill provides for same-sex couples who register as civil partners. (Full details of the Bill are available at <http://www.oireachtas.ie/documents/bills28/bills/2009/4409/b4409d-memo.pdf>)

The Context of the Bill

The context in which the Bill arises is that of a radically changed Irish society. While by international standards Irish marriages are reasonably robust there are huge changes taking place. Co-habiting couples are now the fastest growing type of household in Ireland and less than one in five households in Dublin are "traditional" families i.e. a married couple with children. One third of all births are outside marriage and marital breakdown is approaching 10% (all based on Census 2006 figures). Same-sex couples have become a part of Ireland's social fabric and there has been a growing pressure both from within Ireland and outside to provide legislative protection for same-sex couples.

Responses to the Bill

The Bill is opposed by people on numerous sides of the social cultural debate.

1. It is opposed by those who want homosexual couples to be allowed marry because the Bill doesn't include the word "marriage" and does not confer rights to adopt children. They see this as being unfair and treating homosexuals as second class citizens.
2. It is opposed on the other side by those who believe that the Government is actually legislating for homosexual "marriage" and believe that this will undermine the commonly held view of marriage which, as interpreted by the Supreme Court in 1995, means "the voluntary and permanent union of a one man and one woman to the exclusion of all others for life".
3. The Bill is also opposed by those who believe it will infringe on the freedom of conscience of those who disagree with same-sex civil partnerships. They believe that the

Bill will be used to punish those who refuse to facilitate civil partnership ceremonies. Some people in this group are willing to support the Bill if an opt-out clause is added for those who do not wish to facilitate such ceremonies for conscientious reasons.

Despite the variety of opposition it appears that the Bill would have the support of a majority of people in the State who now see providing legal protection for same-sex couples as a human rights issue.

What the Bill does and does not do

The Bill is 118 pages long and is a complex piece of legislation. One expert says it is “the most far-reaching reform of family law in a generation.” But the Bill does not redefine marriage. This would require a Constitutional Referendum. What it does is legislate for relationships outside of marriage.

The Bill offers to same-sex couples the opportunity to have their relationship legally recognised and registered by the State. The registration of the partnership would take place before a State-appointed Registrar. The Bill provides for a ceremony to take place should the couple choose it but this would only be a civil ceremony. There is no legal provision for a religious ceremony.

The Bill provides for rights and protections for same-sex couples in areas such as

- Protection of the couple’s home
- Tax
- Inheritance rights
- Hospital visitation rights
- Pensions
- Maintenance payments
- Separation and dissolution of the partnership

There is no provision in the Bill for same sex couples to adopt children. Nor is there any provision in the Bill for the protection of children in the event of a civil partnership being dissolved.

The Bill does not directly challenge the traditional understanding of marriage in Ireland. It is a piece of civil legislation that establishes a new form of civil relationship under law. The Bill does not deal with religious matters.

How should evangelical Christians respond?

We suggest that evangelical Christians should support the basic thrust of the Bill. The Government is seeking to legislate for greater justice and fairness for co-habiting couples, both same-sex and opposite-sex couples. As Christians we should support that stance. Co-habiting couples are a reality – this legislation seeks to deal with that reality from a legal perspective. We may disagree on the detail of the legislation but as followers of a just and compassionate God we can recognise the justice and fairness of providing some legal protection for the reality of both same-sex and opposite-sex cohabitating relationships.

Why do we say this?

There are a number of important Biblical and practical principles that have led us to this conclusion. As evangelical Christians our response to any situation should be shaped firstly by our understanding of who God is and how he acts in the world. The Scriptures are our foundation for this understanding. Jesus has come to the world, has died for love of all people in the world, has risen and will return to judge and rule the world. These realities must shape all we think and say and do.

The Christian Scriptures make it clear that God's purpose for his gift of sex is that it would be the ultimate physical expression of love between a man and a woman in the context of the covenant of marriage. However, the Gospel requires of us that we show grace to those who fundamentally disagree with our convictions and who do not shape their lives according to what we believe is good for them. Jesus requires of his followers that they love and do good to those who oppose them or who hold to different ethical standards than they do.

The question we face is how followers of Jesus Christ are to live in a society that does not believe as they do and may even oppose principles we hold to, seeing them as out-dated, illiberal and even oppressive.

How do we move forward?

Some will criticize such a stance as a "cop out." But the challenge to incarnate and commend an alternative way of living as followers of Jesus is no cop out. We face this challenge of showing the power and beauty of marriage as God's intended context for sex, for the raising of children and for the thriving of society. We face the challenge of showing the strength of friendships, both same gender and opposite gender, that are based on loving as Jesus has loved us. Facing these challenges is no cop out. It is the essence of Christian discipleship.

The freedom of conscience issue

Churches or individual Christians may be fearful that the new Bill will be used to force them to co-operate with ceremonies to which they have a conscientious objection. It does seem from the text of the Bill that this is a possibility, however unlikely it may be in reality.

On a legal level, such enforcement would seem to clearly contradict the EU Charter of Fundamental Rights 2000 which guarantees "freedom of thought, conscience and religion." However as followers of Jesus we can remember that he envisages such difficulties for his followers and prepares us for how we should respond to them.

Fighting for our rights on this one emotive and controversial issue is likely to be misunderstood and unproductive. However, given the importance of the freedom of conscience issue it may be wise to begin engagement on the issue with government and other interested bodies without narrowing it down to this one Bill.

Evangelical Christians should be the foremost advocates of freedom of conscience and religious liberty. It is the essence of the Christian faith that it is freely chosen, never imposed. It is a tragedy of history that it was ever thought that the power of the state could be used to impose Christianity on people. With that power now almost completely gone we live in different times. As Canadian theologian John Stackhouse cautions us:

“Indeed we should use what influence we have left to help construct the sort of society in which we ourselves would like to live once our power to affect it has disappeared. ... How unseemly it is for Christians to fight in the courts and legislatures for what remains of the dubious honors and advantages of Christendom. There is no more prudent time to do unto others as we would have them do unto us.” *Making the Best of It: Following Christ in the Real World* p 346.

Conclusion

Evangelical Christians have no automatic right to have their views preferred to those of others. Nor do we have a duty to try and impose Biblical morality on public life by force of law. We are in a new social situation in which the religious identity markers are losing their meaning in non-religious society. But why should we be afraid? If we are called to live as a minority in a society that no longer pays Christianity any particular respect then so be it. The early church lived in such a society and flourished. Christian churches live in such societies today and thrive.

It is possible to both articulate and live Christian values in a way that contributes to the debate on the lost point of moral reference in public life. In doing this we can and should support the notion of a public square in which all voices are free to present their case and argue for it in public life, including religious voices. In that arena it is up to us to argue and show that the way of following Jesus is the most attractive, the most intellectually coherent and the most life-giving way of all.

I wish to thank all those in the advisory group who helped me with the drafting of this statement.

Sean Mullan
General Director
Evangelical Alliance Ireland