

Civil Partnership Registration

As the representative body of the Scottish Jewish Community, our response is predicated upon the importance that Judaism gives to the family, and to family values. We are concerned that, despite statements to the contrary, this legislation does undermine both family values and marriage itself.

The effect of the proposed legislation would inevitably be to erode the special significance of marriage by appearing to treat alternative lifestyles as morally equivalent.

In what follows, the references to Jewish Law (*Halachah*) are to the normative interpretation of Jewish religious teaching. There are, however, groups within our Community, such as Reform Judaism, that have a different approach to *Halachah*, and for whom it does not have the same binding authority. There would be a range of views expressed by different Reform Rabbis, but what we express here is the settled view of *Halachah*, recognised as authoritative by the majority of the Jewish Community.

If civil partnership is recognised in civil law, that would not imply any consequent recognition in *Halachah*. Same-sex partnerships cannot be recognised in *Halachah*. That said, there would be no religious bar to compliance with the civil law recognition of same-sex partnerships in areas such as council tax, benefits regulations, prison visiting etc.

Halachah expressly forbids physical relationships between persons of the same sex, and this position is non-negotiable. It should be noted that *Halachah* recognises that some people may feel an inclination for a same-sex partnership, but it requires them to refrain from entering into such a partnership.

The proposal states that it does not seek to extend civil partnership to heterosexual couples, but rather to create a new legal status. The difference in terms of civil law appears to be semantic rather than actual. It is precisely because Civil Partnership would not be made available to heterosexual couples in recognition of 'the role that marriage has in Scottish society', that civil partnership would be elevated to the same status as civil marriage. Because there would not be a personal choice between civil marriage and civil partnership, the latter will be seen as no more or less than the homosexual equivalent of the former.

In addition, the proposed procedures for entering into and for dissolving a civil partnership are almost identical to those required for civil marriage. This would create yet another equivalence between civil partnership and civil marriage.

As a result of the above, we believe that civil partnership would be generally regarded as the same-sex equivalent of civil marriage, and would be popularly referred to as marriage.

This legislation is being proposed 'in order to trigger access to a comprehensive package of rights' for one particular group in society, same-sex couples. However, this intention risks undermining family values, since people in other long-term relationships, such as a daughter caring for an elderly parent, would not be able to access the same rights. Recognising mutually dependent relationships without creating the status of civil partnership would, therefore, be more equitable.

Jewish Law forbids the relationship that civil partnership registration proposes to formalise. It is a relationship that would be a civil marriage in all but name, and, as such, is entirely contrary to the Jewish view of marriage.