

SUBMISSION OF ISLE OF MAN FREETHINKERS
IN RESPONSE TO THE CONSULTATION
DOCUMENT ON POSSIBLE CHANGES TO THE
MARRIAGE ACT 1984 AND CIVIL
REGISTRATION ACT 1984

Submitted by Stuart Hartill as Secretary, Isle of Man Freethinkers

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Preliminary Remarks

We broadly agree with and welcome the proposals, though in regard to the final item we must point out that we are already providing such ‘civil ceremonies’.

We certainly welcome any general intention to improve the quality of services by such means as revising the hours at which they are available or better enabling people with speech and hearing difficulties to use them.

We regret the absence of any clear statement in the consultation document to the effect that legal registration of civil partnerships will be made available on the Isle of Man without further delay. By comparison, we definitely support any proposal which brings the island into line with the UK in respect of civil partnerships. We have more to say on this topic below, but wish to state at once that our morality (based as it is on rational scientific evidence rather than folk custom or superstition) means that we seek equal treatment of all before the law, regardless of gender, class, ethnicity, sexual preference or other ‘accidents of birth’.

We would also welcome the use of other buildings for wedding ceremonies for the general community though, for reasons also outlined later, such change is irrelevant to us until we can conduct such ceremonies, or until civil partnership ceremonies are also ‘naturally’ considered as wedding ceremonies for the purposes of any relevant legislation.

If the reason for offering civil funerals is to ensure such a facility for non-religious people of low income, we can suggest an easier alternative. We already conduct all non-religious funerals on the island.

If requested, we would happily provide them on exactly the same terms as those under which clergy are asked to conduct religious funerals for local or national government departments – e.g. where the deceased died without family and so funeral and burial must be arranged at public expense.

The proposal to offer a civil ‘renewal of vows’ ceremony highlights the problem which we will explore fully below, in addition to asking for consideration of our solution. We have no objection to the introduction of such a service. We just doubt that there will be many takers if one considers the true situation.

Logically, the natural ‘market’ for these ceremonies is people who cannot have them in church. We know this because it was the British Humanist Association, to which we are affiliated, which first introduced the idea of vow renewal ceremonies. We now offer them too for the benefit of our members and friends, and anyone else who might be interested.

The market arose because when planning their original marriage ceremony Manx atheists and people of minority faiths cannot have an equally colourful and poetic legally binding ceremony to that offered to the nominally Christian community. The choice is either a bland registry wedding for legal purposes or, if one is determined

enough, to get married legally in a country where the odd British ‘two tier’ system of marriage does not exist.

Where people are denied basic state services because of ancient ties between church and monarchy they can either grumble incessantly or organise their own. In cases where there is no legal obstacle (e.g. child namings, funerals, renewals of marriage vows) we have done just that.

We neither asked nor expected the Manx government to help us. We simply introduced to the island ceremonies more colourful, interesting and personally meaningful than those conducted by church or government. The one hurdle remaining is legal marriage ceremonies, and this brings me to the main substance of our submission.

The Problem

The proposals still do nothing to give people of minority faiths or none the chance of an equally meaningful legal wedding ceremony to the nominally Christian. In addition (again because of prejudices which are rooted in religious belief) Manx gay people are also denied legal recognition of their relationships, or of any means to ceremonially commit themselves to such relationships in front of friends and family. We say that such continued privileging of Christianity is simply unacceptable in the 21st century.

Only 6,700 Manx people still regularly attend church according to the latest ten yearly survey of Borders area worship figures. We would argue that this group, clearly identifiable as Manx Christians, should not be confused with casual church visitors there to support a friend or family member at an important time in their life. We also insist that they must not be confused with schoolchildren or government employees attending church ceremonies because they have no choice, or members of the community using church halls for social purposes, such as scout groups or civic societies.

Our Solution

We suggest a more equitable system of marriage licencing, based on recent changes introduced by the Scottish Assembly. This would replace the present ‘two tier’ system with one which allows anyone to have legal ceremonies personally meaningful to them. As we see it, the state can then concentrate on guaranteeing a basic service to those wanting the legal requirements without fuss. This merely follows through the logic of your proposal to offer other civil ceremonies (funerals etc.).

The New Scottish Model

The Scottish Assembly has been more rigorous than other parts of the British Isles in applications of the Human Rights Act. In particular, it recognises the argument of the Humanist Society of Scotland and minority faiths that all individuals have a right to an appropriate legal marriage ceremony according to their beliefs and customs. The Scottish Assembly also accepts that ‘belief’ should be interpreted in such a way as to include not just religious faith but a non-religiously based set of formal ethical and moral values, as indicated by membership of an appropriate organisation.

This highlights a fault in the present system elsewhere in Britain: adherents to politically powerful variants of Christianity exercise the right to a marriage ceremony with legal status conducted by a priest of that denomination, yet everyone else may only have their marriage solemnised by a government functionary.

In addition, non-Christians (and in the UK all non-heterosexuals) must hold two ceremonies in order to be properly wed in the eyes of their friends and community as well as the law: a legal registry book-signing with optional extras, and a more poetic ceremony or 'blessing' according to their faith or of their own devising in order to make it real to themselves. In effect, this is a system of 'first and second class marriage' which could quite fairly be described as faith-biased marital apartheid.

The possible exception to this throughout the UK is the special dispensations in marriage law to allow Jewish weddings. In Scotland, it was agreed in 2005 that the rules governing such a special dispensation could simply be 'carried across' to allow suitably qualified persons to conduct legal humanist ceremonies. This is possible under Section 3 of the Human Rights Act without drafting new legislation.

In 2005 The British Humanist Association requested that the same also be done in England and Wales. Unfortunately Westminster did not consider that request. Close observers say this was because of rather undignified, secretive trade-offs with clergy sitting in the House of Lords at a time when their votes were needed on another issue.

One might also compare the situation over private and public health or education. It is recognised that while one has a 'right' to public health or education, one should also have a 'choice' of private services if one wishes to pay, and that one might exercise this through either a religious or other personal preference, or simply because it enables one to get the service faster.

Incidentally, this also reduces the queue for others who cannot pay or are happy with the public service. Surely the state should not create obstacles if one wants a personalised marriage service and is prepared to pay, but should merely guarantee to provide a basic service for those who would be content with it?

The other important point is that licencing of those authorised to conduct weddings in Scotland operates on a system where the individual, rather than the building, is licenced by the Registrar General. When combined with acceptance of the argument outlined earlier, this led to a better system where the Registrar General calculates the number of individuals who should be licenced in order for marriages to take place within a reasonable time in each area, then issues licences according to a quota which allows for the relative percentages of the population following a particular belief system.

Applying the model in the Isle of Man

We think that such a system could be followed in the Isle of Man; for example allowing a licence to be available to an appropriate Humanist, Jewish, Muslim or Hindi marriage officiant if required, as well as a set number of licences for clergy of different Christian denominations according to the numbers on church rolls.

Applicants for such a licence should demonstrate suitable training (perhaps being certified by their relevant church body or organisation as having done so) and that their training includes sufficient knowledge of marriage legislation. In the case of the British Humanist Association (which trains officiants to conduct non-religious funerals, baby-namings and weddings) the training and certification include a background check on the applicant, intensive short courses and an apprenticeship period conducting ceremonies with an experienced officiant. This, like the Scottish system, would follow a practice which seems to have worked well for many years in Scandinavian countries and, I believe, many US states.

I represent Isle of Man Freethinkers on the Humanist Council of the Isles and meet with the executive members of all the humanist organisations of the British Isles, so I have been briefed by the HSS representative on the progress of the Scottish initiative since it was first proposed to the Scottish Registrar General. I have obtained my information from the original proposer of the idea, who is a civil registrar himself with many years of experience.

According to the findings of a report by the Scottish Registrar General on the first year of humanist weddings, the HSS provided a service at least as efficient as any major Christian church and better than most. The Registrar General was particularly impressed by an administrative system set up by the HSS which included officiants working in pairs providing basic details to a central database before each ceremony. This ensures that if the chosen officiant cannot conduct a ceremony due to illness or other problems another who has also met the family and understands the particular requirements can step in.

From other information supplied to me by the Humanist Society of Scotland, I also believe there is a chance for the Manx to improve on the Scottish system by not repeating an elemental mistake made by the Scottish Registrar General. I wish to point this out as judging from the wording of the earlier consultation document on possible introduction of Civil Partnerships it is possible inadequate research thus far on the part of the relevant government officials could result in this mistake being made here too.

When considering a suitable format for introducing civil partnership ceremonies in Scotland, the Registrar General only approached the four major churches for their views on church ceremonies, and received the inevitable answer. By comparison the HSS have long conducted purely ceremonial affirmations of gay partnerships and had been only too willing to conduct legal civil partnership ceremonies, as humanists are firmly opposed to homophobia and equally firmly supportive of progressive human rights.

Because the Registrar General did not seek the views of humanists or minority faith groups, it was assumed that all 'religious' groups shared the institutional homophobia of the established churches and so the resultant framework allowed only for such ceremonies (simple registrations to be more precise) to be conducted at registry offices. This in turn led to further problems when extreme evangelical groups began contacting registrars and encouraging them to refuse to conduct such ceremonies on grounds of conscience. In practice this has led to a ridiculous situation whereby people licenced to conduct civil partnership ceremonies refuse to do so, yet people

willing and possibly better suited to conduct them cannot be licenced unless the law is changed.

We wish to state emphatically that if or when the law on civil partnership changes in the Isle of Man the Freethinkers want to conduct such legal ceremonies and would treat the participants with exactly the same respect as a heterosexual bride and groom. We further suggest that if any current registrar felt unable by means of a personal religious conviction to offer such a service this would allow the couple involved to be referred to us rather than be refused a ceremony.

We intend to seek further advice from HSS on their experience to further improve the service we provide already for funerals and baby-namings and, if given the chance, to perform legally valid humanist marriages and civil partnership ceremonies. If preferred or required, we would also be willing to study alongside civil servants on any relevant training course for a registrar, and would meet the cost of this ourselves.

To meet the expected demand (based on our previous experience with the growth in interest for non-religious funerals) we would envisage two people having to undergo training to conduct legally binding Manx weddings. In practice one person would conduct the ceremonies but a second would be on hand to cover absences due to holidays, illness or unforeseen problems. This would be in line with the Scottish model, where an officiant and assistant both work with the family to provide the optimum service.

Such is the rise in interest that we are now training three more officiants. This will ensure that we can, at the very least, guarantee Manx people the right to a dignified non-religious funeral. We also expect the rapid rise in interest in other ceremonies to continue, and so want to be able to conduct legal humanist weddings and civil partnership ceremonies within the next few years.

Alternatively we must continue referring people to Scotland for legal humanist weddings. Current experience is that British atheists are waiting up to a year for a Scottish opening rather than undergo the indignity of a registry wedding when religious believers are not obliged to do so.

This is also happening because they will no longer pay for a meaningless official ceremony for the sake of a piece of paper and a second, purely celebratory, wedding which they will regard as 'the real thing'. Please see for comparison the figures on English and Welsh people already travelling to Scotland for the same reasons in the following section entitled 'Scottish Information'. Given the relatively higher cost of wedding celebrations on the Isle of Man, we believe such a trend will spread to the island.

However, in the process, the oldest and poorest relatives of the prospective bride and groom are often deprived of the chance to see the ceremony. This seems highly unfair, and we would argue is a denial of a basic family need the Manx government should not be perpetuating. As we have demonstrated, the solution is not difficult if there is a genuine commitment to meeting public need or understanding of contemporary Manx society on the part of government.

