

1. Marriage and Civil Partnership (Amendment) Bill 2016 – Third Reading approved

Mr Cretney to move:

That the Marriage and Civil Partnership (Amendment) Bill 2016 be now read a third time.

The President: Hon. Members, we are all present today and we start with the Marriage and Civil Partnership (Amendment) Bill for Third Reading.

I call on the Hon. Member, Mr Cretney.

Mr Cretney: Yes, can I thank Hon. Members for their support of the Marriage and Civil Partnership (Amendment) Bill 2016 to date; and those who have not supported, for the civilised way in which they have discussed this matter.

The last time we considered the Bill, the Lord Bishop sought further information, which, because of its detail, I arranged to be circulated in my absence from the Island yesterday. I trust that assists, but if I may add that the information basically shows that there is a complete range of possibilities across the countries in question: some now only have marriage for both opposite and same-sex couples; some have legal arrangements other than marriage available to both opposite-sex and same-sex couples; and some have, or have had in the past, an alternative to marriage that is or was only open to same-sex couples. In other words, the fact that under the Bill the Isle of Man will have both marriage and civil partnership open to opposite-sex couples and same-sex couples – parallel systems, as they might be described – is really not unusual.

Another point worthy of Members' consideration is the matter of the French *Pacte Civile de Solidarité*. This creates a relationship between two people of either gender and of any orientation, which permits them to order their affairs as they wish and which is simply a legal contract between them and dissoluble upon notice. Apparently, 94% of the *pactes* in existence in 2012 were between heterosexual couples, according to the journal *Libération*. I trust this information assists.

I do not intend to go through again the matters enclosed in the Bill, but simply to beg to move that the Marriage and Civil Partnership (Amendment) Bill 2016 be now read a third time and do pass.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second.

The President: The Hon. Member, Mr Anderson.

Mr Anderson: Thank you, Madam President.

Likewise, I do not want to rehearse my arguments against ... the reasons why I am voting against this Bill; simply to put on record that I respect other people have different opinions than myself but I will be voting against the Bill.

The President: The Lord Bishop.

The Lord Bishop: Thank you, Madam President.

I have said before there is much in this Bill that we have before us that is good, not least the tidying-up of a number of useful changes to existing marriage law. It is also a welcome opportunity to think of a way forward that will benefit the whole of society, including the LGBTI community and those who do not share their views.

The Bill is not about equality of status. If that were the issue it would easily be solved, but it is not. The problem we are faced with as legislators is the human body and the nature of sexuality, not matters of legal draftsmanship or political ingenuity. Wouldn't it be convenient if, with Royal Assent, we could abolish all difference and distinction in sexuality. But we cannot, and to pretend otherwise cannot be honest. Whether we are in favour of the Bill, against it or confused by it, talking about equality of status simply confuses things: it is spin.

What is being asked for here is what is called 'equality of nomenclature – calling one thing the same as something else. In this Bill we are being asked to judge whether a legally binding heterosexual relationship has the same familial characteristics as a legally binding homosexual relationship. In other words, are both of them marriage?

Let me return briefly to beverages. In a cup of tea and a cup of coffee, almost all of what is in each cup is the same: hot water. But if you asked me for the cup of coffee, Madam President, and I were to give you the cup of tea instead on the basis that both are beverages – drinks, like Bovril or a gin and tonic – you would be able to tell the difference, even though the different constituent flavours might amount to no more than 1% or 2% of what is in the two cups of hot water. The Bill is akin to a Cups of Tea Bill that would make it legal for cups of tea to be called cups of coffee for those who wish to call their tea 'coffee' because they think that being called a cup of tea is not equal to being called a cup of coffee.

In the same way, equality of nomenclature – calling one thing the same thing as something else – does no honour or respect to either party. The word 'marriage' and the concept that underlies it is not a generalist term, unlike the word 'beverage'; if it were, we would not need the Bill. 'Marriage' is a specific term with a particular meaning, the very essence of which we have assumed we can change.

I do not sit here with any intent to judge or condemn committed and loving same-sex relationships, but I am certain that legally binding same-sex and heterosexual relationships cannot both be marriage.

During the passage of the Civil Partnership Bill on 26th October 2010, I made the point that I supported the principles of justice in the Bill, and I added:

I hear many calls for freedom, but freedom is not the only value to be prized. This constant appeal to freedom and to 'my rights' over 'my space' and 'my life' is too often deaf to the appeal of the other person's freedom and rights and space and life. The appeal to freedom works in both directions, or it cannot work at all.

The problem, as I read it,

– I said in 2010 –

is that the Bill

– then before us, the Civil Partnership Bill –

is not even-handed in its dispensation of justice and it awards rights to a minority, while being content to allow those rights to be denied to others, when I think it could put them right. In addition, it attempts to force our understanding of marriage into a new philosophical framework.

Schedule 1 of that Civil Partnership Bill revealed that it was focused on gay rights to the exclusion of the rights of many others in long-term partnership. I commented that:

it masquerades as the justice issue, when it is manifestly unjust to some people and it is a carefully placed stepping stone towards the ultimate goal of redefining marriage as the union of two persons, regardless of their sex. I am not alone in wishing to defend the boundaries of marriage as, in the definition of the state, the union of one man with one woman voluntarily entered into for life to the exclusion of all others.

In 2010 I described the Civil Partnership Bill as:

an inherited camel, a horse designed by a committee. Its aims are good, insofar as they go, but that is a long way short of good enough.

And I noted that:

since 1999 France has had a much simpler and more satisfactory solution,

– referred to by the proposer –

the *Pacte Civil de Solidarité* – PACS – a contract between two adults, whether they are of the same sex or of the opposite sex for a shared life together.

I still believe that would have been a better solution.

We were in such a hurry to keep in step with the UK, having already got five years behind, that we rejected the French solution. The Civil Partnership Act, as it now is, has 107 sections, 15 schedules – schedule 5 alone has 13 parts and 71 subsections – and here we are, proposing to pass a Bill that will make these civil partnerships available to heterosexual couples on the basis of minor amendments, made *not* during the consultation phase *nor* during drafting but while the Bill was passing through the House of Keys, following the advice of Mr Peter Tatchell, who has waged this campaign for many years.

On 9th November 2010, Mr Lowey, moving the Second Reading, said this:

we said, ‘Thank you, Mr Tatchell, for your advice, but no thanks.’ It is not what we want, it is not what the Island wants and we declined it.

He went on:

We were not very popular with Mr Tatchell, although he did welcome the fact that we were at least moving in his direction.

I believe this is the worst part of the Bill and an aspect we will live to regret.

So, now we know from this list ... And, incidentally, this list was not sent to me. This is the first time I have seen this; my colleague to my right has just given me a copy of it. I have no idea why I have not had one. We know from the list that across many countries they practise heterosexual marriage and same-sex civil partnerships: they have both. I do not see any evidence here that there are two duplicate sets of both sets of relationships. I may be wrong, because I have only had a moment to look at the list. I see the same situation as essentially applies in the United Kingdom. So I wonder, looking at this list very briefly, why more countries have not taken Mr Tatchell’s advice to follow the line of having two duplicate sets of relationships, since it is supposedly so ‘far-sighted’, in his words. Why not? Because, I believe, it would be a train crash waiting to happen.

I remain convinced that the way I suggested to the Chief Minister several years ago, after the establishment of Civil Partnerships, would have been the sensible way forward, transforming civil partnership weddings from little more than signing a piece of paper into proper acts of mutual and lifelong commitment.

With a heavy heart, Madam President, I will vote against this Bill, because my colleagues have not persuaded me otherwise and because I am convinced that this Bill is a very well-intentioned mistake.

The President: The Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.

For the sake of regularity, and as I will be voting against, I just wish to say that I spoke and expressed my views at the First Reading particularly with reference to the term ‘marriage’. I will also not repeat the views expressed then but, like Mr Anderson and my Lord Bishop, will be voting

against the Bill, and whilst respecting other people's views will trust that my views and those of very many in this Island are respected also.

The President: The mover to reply.

Mr Cretney: Yes, can I first of all acknowledge that I respect each of the opinions and views which have been again placed before this Chamber today. I think early on the Bishop indicated that sometimes friends disagree, and that is what we are going to do today.

I am not sure whether I picked up correctly, and I apologise if I did not pick this up correctly, but there was a suggestion that we might wish to seek by Royal Assent to abolish all differences in sexuality. I just wonder why would we want to do that. I want to live in an inclusive society; I do not want to live in a same, same, same society. So that challenged me somewhat.

In terms of the amendments Mr Singer moved in the House of Keys, they were legitimately passed. That is a process which is entirely legitimate and I believe it adds to the legislation.

Finally, I do not know why the Lord Bishop did not receive the list. The list was emailed – *(Interjection by Mr Anderson)* You didn't receive it either? **(Mr Anderson: No.)** Well, I can only apologise for in particular Members I would want to have read the list not receiving it. I hope others have received it and I can only apologise to those Members who have not, and again I do not know why that happened.

I would move that the Marriage and Civil Partnership (Amendment) Bill 2016 be now read a third time and do pass.

The President: Hon. Members, the motion is that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Coleman
Mr Cretney
Mr Crookall
Mr Henderson
Mr Turner
Mr Wild

AGAINST

Mr Anderson
Mr Corkish
The Lord Bishop

The President: With 6 votes cast in favour and 3 votes against, Hon. Members, the motion therefore carries.