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SOLEMN VOWS

George Curry

At marriage a man and a woman make promises to each other. They do so in public, not in private. They do so by choice, not by compulsion. And they do so for life, not for as long as they like. At marriage a new state comes into existence. It is the union of a man and woman in an exclusive relationship. There are two dimensions to this relationship: the personal and the public. From the *personal* point of view, a man and a woman see themselves as one. What one does is done with the other in mind. They mutually encourage and support each other. And they enjoy a pleasurable privilege: they are able to express their oneness in an intimate, physical and sexual way.

Secondly, from the *public* perspective, the married couple are seen as one. As a result it is accepted that neither is free to form an intimate relationship with another person. It is also acknowledged that, should the couple become parents, it will be their responsibility to nurture their child or children.

Questions

Living in a country influenced by the teaching of the Bible the views expressed above are not controversial. We shall look further at them below. In the meantime we want to note this understanding of marriage points to two of its functions. Both are universally accepted. First, marriage *regulates relations between the sexes*. And secondly, *it regulates the way a child relates to others*.

How does marriage regulate relationships between the sexes? The words opposite and exclusive are key. From the earliest of days it has been understood that in marriage there is the joining of a man with a woman. The union is of two people, each being of the opposite sex. Hitherto, though same-sex relationships existed, they were never termed marriage. The word marriage has always been used to refer to the union of a male with a female. Historically marriage was seen as the state in which sexual intimacy may be enjoyed. That is why pre-marital sex is called fornication and extramarital sex adultery. Both words convey the notion of illicit sex. The marriage bond alone is the sphere in which sexual intimacy with another is to be enjoyed.

How does marriage regulate the relationships of children? The marriage bond is a covenantal relationship in which a couple commit themselves to provide any child they may have with the skills needed to relate to others both inside and outside the home. It is for this reason that the nuclear family of Dad, Mum and child(ren) is often called the basic unit or building block of society.

Some may object that in some societies polygamy (one man having more than one wife) or polyandry (a woman with more than one husband) have existed alongside monogamy (one husband with one wife). However, where those arrangements have been accepted it was understood that they too were means of regulating relations, be they between the sexes or of a child with wider community. So here we have two functions of marriage.

Some want the definition of marriage changed. They want to see the first function of marriage extended. Extended, that is, to include same-sex partnerships. Three words are usually on the lips of those who argue for change: *discrimination*, *equality* and *love*. It is claimed that a universally accepted way to regulate sexual intimacy (monogamy) discriminates against those of the same-sex who love each other. It is also said that because it is discriminatory it means same-sex couples are not treated equally.

Such arguments seem to make sense and sound reasonable. However there is a fatal flaw embedded in them; a flaw which most people fail to spot. It is the assumption that same-sex sex is a valid form of sexual intimacy. Should marriage be redefined? We pose the question that way on purpose. We could ask: *Can* marriage be redefined? In response we would be obliged to answer that there is a sense in which it can. Should a government (or people) choose to do so a new law can be enacted. This has happened in some parts of the world. However an important distinction should be noted. What *can* be done is not necessarily what *ought* to be done. For example, a person may commit murder or rape. It is universally held that such acts are always wrong. They can be done, but they should not be done.

Arguments

So let us go back to our question: *Should* marriage be redefined? Some argue it should. They do so for one or more of the following reasons. First, we will continue to *discriminate* against those who choose same sex relationships if we do not allow them to marry. Secondly, we shall fail to give them an *equal* opportunity to make such a choice. And thirdly, if they *love* each other we are not being fair to homosexuals if we stop them from expressing their love in marriage should that be what they choose.

These arguments, at first sight, seem reasonable. Because they do, many are persuaded by them. However, we need to note two features of them. First, they are the product of human reason and emotion; nothing more and nothing less. And secondly, they are deployed to support an idea of marriage (that includes same-sex unions) which is, in fact, a mere social construct. We recognize some say that the traditional definition of marriage is also just a social construct. They see it as an arrangement which different social groupings across the world have invented and adopted. In other words, so the argument goes, its origin lies with people. It is an arrangement which has been constructed and developed by social groups.

People do make a choice. Some choose monogamy rather than polygamy, polyandry or polyamory (multiple groupings). That is their response to the options available. But the question is why? Do they do this on the basis of human reason alone? Or is there another reason for their choice?

Facts

At this point let us remind ourselves of two profoundly important facts.

First, when mankind was created both the first man and the first woman were aware they were made for each other—the man for the woman, and the woman for the man. Biologically, emotionally, functionally and physically they saw they were made to complement each other. It was obvious to them that a man is made to go with a woman and vice versa. Moreover, it was obvious that any other arrangement would breach the design and pattern given by the Creator.

It is for this reason that marriage is called a *creation ordinance*. The term makes us aware it was given and ordained by God. At the moment of creation mankind was aware of it. Adam and Eve saw it. Their successors knew it. In fact, this pattern and plan is something of which each of us is aware. Our consciences testify to the fact. Some may argue that the inner voice of conscience is muted or indistinct. Certainly an individual may try to ignore it. Some do suppress the inner awareness all have of how sexual intimacy with another is to be expressed.

Secondly, what God did at creation he has revealed to *all* mankind. As well as giving us an inner awareness of this creation ordinance, our Creator has also given us an authoritative record of the fact. That record is the Bible. In the words of Scripture God informs mankind of his will. That being so we have no excuse. The testimony of Scripture is explicit. In the beginning God made known that sexual intimacy is to be expressed in marriage and that marriage is to be of one man with one woman for life.

Exclusive Union

Can we be sure? Can we be sure that marriage is the exclusive union of one man with one woman for life? Genesis 1:27–8 teaches that God created mankind in his own image; that he created mankind as male and female; and that God commanded mankind (male and female) to be fruitful and multiply. The teaching we have in Matthew, Mark and Paul asserts the *truthfulness* of what we find in the first two chapters of Genesis. They directly refer to, and quote from, that book. It is affirmed by them as authoritative for all people. Secondly, the teaching we have in Matthew and Mark is a *faithful record* of what Jesus Christ taught. In their records we see the Lord Jesus dealing directly with the subject of divorce. It is also true he implicitly affirms marriage as being of one man with one woman for life. As Christians we may be sure that marriage is

the exclusive union of one man with one woman for life. That being so, the term 'same-sex marriage' is an oxymoron. It claims to be what it is not and can never be. It is a social construct. It undermines the created order. It defies the Creator's will.

Should we create two definitions of marriage? It may seem this question is irrelevant if the plan is to broaden the current definition of the term to include committed same-sex relationships. But it is not. It will almost certainly become a very important issue, because the promoters of this new social experiment realise, if they want to get their way, that it will probably be necessary to make a distinction between church and state weddings. In fact the government's consultation is explicit about there being both civil and religious marriages.

Although there are some in the churches who favour change, it remains the case that the mainline Christian denominations are against it. They all believe the term should be left alone; and that its meaning should not be changed in any way at all. This has caused those who argue for a new definition of marriage to say that their prime concern is to make provision for it within civil settings. That is, within registry offices and other licensed premises. In other words, they say the Church will not be required to conduct or celebrate such events in church buildings. Instead, those homosexuals who want to commit themselves to each other for life, may experience a ceremony equivalent to marriage in the civil sphere. This sounds reasonable. And if enacted that way, it would mean churches will be free to do what they want, and the state will be able to provide what (some) homosexuals want. But it is not as simple as that. A key question to ask when any change is contemplated is: What will the proposed change do? What will its effect be? We sometimes talk about the law of unintended consequences. We use the term to cover those changes which are either not proposed nor foreseen but which nonetheless occur. What would happen if we had a church-state divide on this matter as proposed?

The Consequences of Introducing Same-sex Marriage

First, two ideas of marriage (rather than one) would exist side by side. At present the law states that marriage is a state entered into voluntarily by a man and a woman, to the exclusion of all others for life. Should the advocates for change get their way there would be, in effect, two definitions. There would be the traditional understanding, which would be taught and celebrated by the Church. And there would be a new idea, which would be taught and celebrated by the state. The latter would proclaim marriage as the voluntary union of two people. There probably would be other legal requirements stipulated (for example, an age limitation). In essence, though, the new state teaching would be that a marriage may be of a man and a woman, or a man and a man, or a woman and a woman.

Confusion and Competition

What would this create? Confusion. We would be in a Humpty-Dumpty world in which a word has the meaning a person chooses to give it. In the long run that position would prove unsustainable, with each person doing or saying what he sees as right in his own eyes. History shows that when there is such confusion a new demand soon emerges: a demand for clarity.

At this point things become much more serious. There would be a competition as to which idea should dominate. Let us be under no illusion. We are talking here about a battle of ideas. In the end one will win and the other will lose. It is usually those with the power who win. But how do they win? By coercion. They force others to accept what they seek to see prevail. Such coercion undermines a fundamental principle: the principle of consent. The political framework a society adopts is done either by consent (the people agree to it) or by compulsion (the people are forced to accept it).

Loss of Freedoms

What checks on such an outcome do we have? One is freedom of speech. For centuries it has been accepted that an individual should be free to speak his or her mind. They may share their ideas and do so freely. And, of course, so that all may be heard, each is asked to do so politely and with respect for others. We should note, however, that a second consequence of a church-state divide on the meaning of marriage will be that freedom of speech will suffer. Why? Because a new definition advocated by the state will be deemed superior. Furthermore, it will have the might of the state behind it. And the state will insist (with or without force) that the rule of law be upheld. Let us explore this a little further.

The political order needs to ensure that due respect is given to two vital freedoms. One is freedom of speech; the other is freedom of conscience. The two are intimately linked. Why? Because people want to be free to speak about what they believe. We do not always do things the same way. We value the differences because we like variety. But we do not do so for that reason only. We also believe people should be free to do what is best for the specific circumstances and needs found in a particular place. There is a need for the local and the central authorities to discuss and adjust to each other.

Just as there needs to be a fruitful dialogue between the central and the local government, it is necessary for there to be proper respect for those whose opinions differ. It has long been recognised that, as well as being political beings, we are also religious beings. The latter term refers to the fact that people have different beliefs or philosophies.

In our country it has been agreed that the state should not rule the Church, but nor should the Church rule the state. Jesus Christ teaches we

are to give to Caesar what belongs to Caesar and to God what belongs to God. In other words, God's will for mankind is that we honour and respect the two distinct spheres of Church and State. We are not to confuse nor confound them. One is not to dominate the other. Both are to co-exist, with mutual respect for each other and each other's functions. However—and this point is of fundamental importance—each is to do so, not under the rule of law, but under the Rule of God. Thus, for the state to impose a new definition of marriage which contradicts the revealed will of God is a most serious thing. It is not just error. It is a form of tyranny.

What will happen if the government redefines marriage? To answer this very important question we should consider (1) what may happen in the UK, and (2) what has happened in other countries. What has happened elsewhere? We can identify two main changes. First, language has been altered in both Spain and the State of Massachusetts (USA). In Spain the terms 'father' and 'mother' have been replaced on birth certificates. The terms 'progenitor A' and 'progenitor B' are used instead. In Massachusetts marriage certificates have been changed. Those united in marriage are no longer called 'husband and wife' but 'party A and party B.'

What does this illustrate? That to redefine marriage is no small matter. It is not just about allowing those who adopt a homosexual lifestyle to enjoy the same privilege the overwhelming majority of men and women have enjoyed for millennia. It entails changing the way we speak, think and write. In other words, it means deconstructing what we have enjoyed for generations. It means constructing something new. To most people the redefinition of marriage represents a social experiment of monumental proportions. This becomes clearer when we note the second change associated with the proposed redefinition.

In the UK, marriage is 'the voluntary union for life of one man and one woman, to the exclusion of all others.' The law, therefore, teaches and upholds monogamy. What happens when you change that definition to also read 'one man and one man' or 'one woman and one woman'? You will get others who will demand further change. In the Netherlands, four years after allowing same-sex 'marriage,' three-people 'cohabitation agreements' were legalised. In Canada, within six years of permitting same-sex 'marriage,' the courts were being petitioned to legalise polygamy. In Mexico, within two years of change, the notion of two-year fixed term marriage emerged.

It is not difficult to see that this proposal will have far reaching repercussions. In fact, it is not stretching our credulity to suggest that the government's proposal, couched as it is in the language of equality and fairness, will open up challenges of many kinds to the traditional understanding of marriage.

Collapse

So what is happening? We are seeing the collapse of our culture. Christians cannot and must not sit back and do nothing. We must pray.

And we must argue against the proposal to redefine marriage. Both must be done in dependence upon God, for we wrestle not against flesh and blood. The need is to see people set free from the tyranny of unbelief and demonic error. People suppress the truth for at least two reasons. One, they are inclined by nature to rebel against God. They do not want him to rule over them. And two, the Devil actively seeks to keep them believing lies. As a consequence some reject the God-given pattern of sexual chastity outside of heterosexual monogamous marriage. They pursue their passions and lusts. And for some that means indulging in same-sex activity. They may seek to justify their ways with fancy arguments. The reality, though, is that their life-style choice is an abomination in the eyes of God.

God has created mankind as sexual. It is not our only feature, but it is one with which we are concerned as we consider the definition of marriage. Moses had the solemn and serious responsibility to inform the Israelites that God sees sexual intimacy between people of the same sex as an abomination. Such activity displeases him. His displeasure with it is settled. So settled that we are to understand trouble will follow for those who accept or engage in it. The God who sees such activity as evil wants us to abhor and detest it as well. But, it is the activity that is to be condemned. Those who indulge are to be loved. They are to be lovingly shown God's way. They are to be informed that God offers forgiveness and that he enables the penitent to put right what is wrong.

Key Issues

Will churches be obliged to conduct same-sex ceremonies? Will Christians be obliged to accept a same-sex union as a valid lifestyle choice? These two questions take us to the heart of the debate on the redefinition of marriage. It is essential, therefore, that we try to ascertain the implications of a new definition.

The government claims, in its consultation document, that any new law will 'make no changes to religious marriages.' It also claims that 'civil marriage is about the commitment of two people to each other' and that same-sex unions will not redefine it. The MP for Newcastle upon Tyne Central says that 'there is, and should not be, any question of forcing churches, mosques or synagogues to change their practices.' The same argument is articulated by many MPs. How real are these claims?

We shall consider the definition of civil marriage first. Is it the commitment of two people to each other? The assertion seems reasonable but the reality is it is a partial truth. Yes, civil marriage involves two people. And, yes, it entails their commitment to one another. But, we have to ask, which two people? Is that element of the union described in any way? Yes it is.

At present a civil marriage in the UK can only be contracted between a man and a woman. Moreover, for the marriage to be valid neither

should be married already; neither should be under the legal age for marriage; neither should be forced to marry; and nor should the marriage be between persons who are too closely related. We do not know how long it will be before one or other of these other conditions of a valid marriage will be challenged. However we do know that the proposed new definition will fundamentally alter our understanding of marriage. If the proposal were to become the law marriage would no longer be exclusively heterosexual in character.

Although marriage entails commitment it is more than commitment. It is specifically a covenantal union of a man and a woman. To make it something more than that is to destroy that definition of it. It is to introduce a definition in defiance of the Creator's pattern as seen in the natural order of things; and it would be to do so in defiance of God's revealed will. Thus the claim that same-sex unions will not redefine religious marriage is a dangerous half-truth at best.

Scepticism

Will churches have to conduct same-sex ceremonies? The proper answer to this question is probably yes. We say 'probably yes' because the matter would need to be tested in the courts first. At present it seems the government intends to let church practice stand. That may be the intention but the likelihood of things remaining that way is very questionable. There are two reasons to be sceptical in the face of governmental assurances.

First, in 2009 the judges of the Court of Appeal in effect declared that Lillian Ladele's view of marriage 'was not a core part of her religion.' (Miss Ladele was dismissed by Islington Council after being refused the right not to officiate at civil partnership ceremonies.) This ruling is very serious. It means that, unless the law is changed to provide specific protection for Christians, churches will find they are obliged to conduct same-sex ceremonies simply because the courts have determined that God's law concerning sexual intimacy with another is not a core belief. Churches, and Christian ministers, are but a short step away from being coerced to do what is contrary to their belief and conscience.

This view is confirmed when we note that there is no legal distinction between civil and religious marriage. Although they take place in different locations they are essentially the same—the voluntary union of a man and a woman to the exclusion of all others. This fact has been endorsed recently in the European Court of Human Rights. In a case involving two French lesbians, the court ruled that once a state has passed a law permitting homosexuals to 'marry' it must be applied to all citizens equally. In other words, whilst there is no requirement to introduce legislation to permit same-sex unions equivalent to marriage, if a state does so there must be no distinction between civil and religious marriage. This, as we have seen, is the situation that exists already. Civil and religious marriage at present

are one and the same. At heart they entail the same core belief. Thus for the government to assert that there will be no change to religious marriage is false. If the European Court is anything to go by, it will simply not be possible to live with two definitions of marriage. Although some may say otherwise, any change to the definition of marriage will affect us all.

What will it do? It is hard to provide a complete list because of the law of unintended consequences. Some effects of a change will emerge in time. Yes, it may be possible to point to more obvious changes now; but other and more subtle ones will become obvious with the passage of time. What then can we posit will definitely happen?

First, a new definition would be introduced. In law it would be stated that marriage must no longer be seen as a lifelong state in which a man and a woman covenant to love and care for each other, and in which they are free to enjoy exclusive conjugal intimacy. Instead it would be a state in which any two adult people commit themselves to express an emotional attachment or commitment to each other. Let us be clear: in a same-sex relationship conjugal intimacy is impossible. Revisionist ideas of marriage remove this element from the definition of marriage.

Secondly, the concept of consummation as a strand of evidence that a marriage bond has been formed would be removed. Hitherto, at least in the common psyche, there has been an understanding that generally speaking a marriage is not consummated if coitus is absent.

Thirdly, a definition of marriage that has served the nation well would be seriously devalued. In the current debate some spurious claims have been made. For example, we have heard it said that there is no legal definition of marriage. Those who make such a claim seem to ignore the definition provided in 1866 (see *Hyde v Hyde and Woodmansee* [1866] LR 1 P & D 130). They also seem unaware of the definition provided in the *Book of Common Prayer* (BCP). Whether we agree or not is, at this point, immaterial. The Church of England is by law established. Because that is the case the legislation the church introduces enjoys a unique status. It is recognised in the state as well as the church. This being so, it means that the definition of marriage found in the BCP is a definition that is established in law. Thus to introduce a definition that fundamentally contradicts a definition which has been recognised for so long is to devalue it. Thus the government's claim that it will not alter religious practice is at best a dangerous half-truth.

Prayer Book

First, the BCP asserts that *marriage is a God-given institution*. In other words, mankind is under an obligation to accept what God has instituted. Nobody has the right to redefine what he has given. To add to or to take away from what he has revealed is to take to oneself an

authority and power that one simply does not have. Any government or people who act thus should be warned that trouble will follow.

Secondly, the BCP provides *three reasons why God has ordained marriage*. Contrary to what some think, the order given is not an order of priority. If anything, the third is the most important. Why, then, has God ordained marriage? It is the state in which sexual intimacy with a person of the opposite sex is to be experienced and enjoyed. It is the state in which children are to be conceived and nurtured. And it is the state in which we are to be reassured of the exclusive and special love and care of another whilst we experience life here on earth.

Thirdly, the BCP asserts that *any other concept and form of marriage is neither ordained by God nor lawful*. The BCP definition of marriage is consistent with what the Bible teaches. We may not choose to word things exactly the way it does. But whether we use different phonetic signs and sounds is not the important thing. What is important is the concept conveyed. In the last analysis, the only acceptable definition of marriage is that provided by God. It is the only one that can bind the heart and conscience. It is the only one that will work.

What would happen if a new definition of marriage is introduced? Confusion would prevail. At present there is only one definition of marriage. It is provided in at least three places, each of which is recognised in law. You will find it in the introduction of the Solemnisation of Matrimony in the *Book of Common Prayer*, in *Canon B30* of the Church of England, and in judgments handed down in the courts. Canon B30 says that:

The Church of England affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better or worse, till death do us part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help, and comfort which the one ought to have of the other, both in prosperity and adversity.

The message is clear. In essence the canon provides us with a summary of what we find in the BCP.

What have the courts ruled? Sir James Wilde, Judge Ordinary, said in his judgment in *Hyde v Hyde and Woodmansee* (1866) L.R.1P.D 130: 'Marriage has been well said to be something more than a contract, either religious or civil, to be an Institution. It creates mutual rights and obligations, as all contracts do, but beyond that it confers a status.' The position or status of 'husband' and 'wife' is a recognised one throughout Christendom.

Marriage defined as the voluntary union for life of one man and one woman, to the exclusion of all others continues to be the legal

understanding of marriage. An illustration of the point is the judgment handed down in 2004. In the case of *Ghaidan v Godin Mendoza*, Lord Millet stated that: ‘Marriage is the lawful union of a man and a woman. It is a legal relationship between persons of the opposite sex. A man’s spouse must be a woman; a woman’s spouse must be a man.’ What these documents demonstrate is that a legal definition of marriage exists. Moreover that definition is explicit. For a marriage to exist a man and a woman are needed; marriage can only be between a man and a woman.

The Government wants to alter this meaning. To do so will create confusion. It may not appear at first that that would be the case. After all some will say that all a new definition will do is extend the definition to include two people of the same sex. The argument seems so simple. In fact so simple that one is tempted to be taken in by it. Further thought leads one to a different conclusion. The government’s proposal would not create an extension to the description of who may be accepted as being married. No; it removes the existing definition and replaces it with a new one. Instead of assuming and asserting the defining principle of the complementarity of the sexes, the defining principle would become the more abstract notion of love.

What is wrong with that?, some will ask. After all is said and done, is not love the defining principle? No, it is not. We sincerely hope that husband and wife love one another. But there are plenty of people who love each other who would never dream of marrying—brothers, sisters, parents, children, friends, Christians, to name but a few. Surely no one will argue that they may marry because they love each other? You may think not. But the unthinkable will become the thinkable; and, in due time, the thinkable could become the actual.

The possibilities posed are not as wacky as some may think. We say that for two reasons. One, if love becomes the defining feature of marriage then you have to provide a thought-out case as to why such people may not marry. And two, the suggestions have already been raised. We say again: any extension to the definition of marriage will destroy the concept of marriage as we know it. It will also create confusion as to its nature and purpose. The safest way for any society to proceed is to accept and embrace God’s gift of marriage to mankind.

Human Rights

If a new definition of marriage is introduced, our government would also be out of step with the United Nations (UN). In fact, a persuasive argument can be put forward to show that the UK would breach the UN Declaration of Human Rights. Let us consider Article 16, in particular, clauses 1 and 3 of it. We shall focus on how the family is defined. What do we find stated in clause 3 of Article 16? ‘The family,’ we are told, ‘is the natural and fundamental group unit of society and is entitled to protection

by society and the state.’ What is this family? Clause 1 of the same article says: ‘Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.’

When you look at this definition of family you quickly see that it is very close to that found in the Bible. The Declaration is not an explanation of what God has revealed. It is a man-made document that focuses on human rights as opposed to our responsibilities to God. Notwithstanding, it points us to the key issues. Marriage is understood to be heterosexual, monogamous, and productive in character. Thus to redefine marriage to include committed same-sex relationships is to contradict Article 16 of the UN Declaration of Human Rights. However, things are more sinister than that.

Let us go back to clause 3. Did you notice two fundamentally important facts? They are easily missed. First, a distinction is made between ‘the family,’ on the one hand, and ‘society and the state’ on the other. It is neither the state nor society which is the ‘fundamental group unit.’ No, that privilege belongs to the family alone. And that principle is enshrined in the UN Declaration.

Secondly, the responsibility of society and the state is to protect the family. It is not, according to clause 3, the family that is to protect society or the state. No, it is the other way about.

Conclusion

What does all this mean? It means that society and the state must not alter or meddle with the received traditional understanding of the family. The duty is to preserve it, not undermine or destroy it. Yet that is precisely what the Coalition government proposes to do.

The situation is exceedingly serious. Our government, in the name of liberalism, inclusivity and equality, seeks to act in a thoroughly illiberal and unfair way. For, let us not misunderstand, if the government presses on with its plan then it will not just contravene an element of the UN Declaration. More seriously, it will be guilty of being dictatorial and totalitarian.

This is not alarmist talk. It is factual. A government which chooses to extend the meaning of marriage to include that which contradicts its natural and proper definition, effectively imposes upon those whom it is supposed to serve its own legally constructed definition. In so doing it subjects people to tyranny; to a rule of law which defies the rule of God.

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