

Marriage Equality Amendment Bill 2010: Senate Inquiry

Submission from Dr Muriel Porter OAM

Author of *Sex, Marriage and the Church: Patterns of Change*
(Dove, Melbourne, 1996)

I make this submission as a practising Christian - an Anglican laywoman - who strongly **supports same-sex marriage** on religious grounds.

Christian teaching about marriage

Standard Christian teaching promotes marriage for three central reasons: fides (fidelity), proles (procreation of children) and sacramentum (the union of the parties). These reasons have endured throughout Christian history. I refer to their expression in the formularies of the Anglican Church: The *Book of Common Prayer* (1662) states: "First, [matrimony] was ordained for the procreation of children, to be brought up in the fear and nurture of the Lord, and to the praise of his holy Name. Secondly, it was ordained for a remedy against sin, and to avoid fornication; that such persons as have not the gift of continency might marry, and keep themselves undefiled members of Christ's body. Thirdly, it was ordained for the mutual society, help, and comfort, that the one ought to have of the other, both in prosperity and adversity." The order of the three "causes" was changed in *An Australian Prayer Book* (1978) so that control over sexual activity ("the proper expression of natural instincts and affections with which [God] has endowed us") is placed first, "mutual society, help and comfort" is placed second, and procreation is placed third. The same order is continued in *A Prayer Book for Australia* (1995). This recognizes that the nature of human relationships and how they can be sustained and enriched, is now considered more important than procreation.

In Christian teaching, therefore, marriage is seen as the best means to direct human sexual instincts, the best means of promoting human well being through the 'mutual society, help and comfort' married people are able to give each other, and the best place to raise children. A moment's thought will show that these three 'goods' of marriage can apply just as fully to same-sex partnerships as to heterosexual ones.

In the 21st century, the need for marriage to be made available to same-sex couples is extremely urgent, given that medical science now allows same-sex partners to conceive children and raise them. Our society allows this to occur; not to allow the resulting children to be raised within the best possible form of partnership – marriage – is both highly discriminatory and potentially damaging to their well-being. It should also be noted that the Christian church has never required couples seeking marriage to commit to procreation. It has recognized in its marriage rites that age, infertility or other disability prevents procreation for numbers of people. To claim as some conservatives do in relation to same-sex marriage that marriage is almost exclusively about the conventional procreation of children is to deny Christian teaching and practice over the millennia.

The changing patterns of marriage

Conservatives claim that marriage between one man and one woman only, and for life, in an equal relationship, and primarily for procreation, is an unalterable ideal. However, this ignores the historical evidence. The practice of marriage has changed

radically over the centuries. Polygamous marriage was the norm in the Old Testament world, for instance. It has been said that there was just one named monogamous couple – Isaac and Rebecca – in all the Old Testament literature. The ‘ideal’ of marriage set forth in this biblical pattern was not monogamy, but polygamy, which by its nature expects that women do not have equal status with men. Polygamy has not been acceptable in Christian teaching and practice since the time of Christ.

There have also been significant changes in marriage practice in the Western Christian world over the centuries. The current ideal of companionate marriage between two equals is relatively new in historical terms, dating from about the 17th century. Previously marriage, in practice, was primarily a matter of property, inheritance, and broader kinship concerns; romantic love and true companionship were fortunate by-products only. Until the Married Woman’s Property Acts of the late 19th century, women sacrificed their legal status on marriage. They lost not only property ownership, but rights at law, such as custody of their own children, the right to initiate legal action or sign a contract, and the right to employ servants. The legal situation was, quite simply, that in marriage, a man and a woman became one, and the man was the one. A woman could not press charges against her husband for domestic violence or rape in marriage. Modern laws have changed that situation, and so have changed any lingering notions that a wife was a man’s property. Women are now treated in law as equals - a relatively recent situation.

The modern availability of divorce has also revolutionized the way marriage is viewed in modern society, even though the 2004 amendment to the 1961 marriage Act preserves the fiction that marriage is always entered into for life.

If the Australian Government wanted to preserve the conservative view of marriage as being between a man and woman only, for life, and to ensure that children could be created only in and through such partnerships, then it would need to repeal all laws allowing divorce, and in vitro fertilization for same-sex couples. If it is not prepared to do this, then it must recognize the falsity of maintaining the current amended version of the Marriage Act.

Yours sincerely