

SAME SEX 'MARRIAGE'
Marriage Equality Amendment Bill
 (Submission)

1. Introduction

The Australian Family Association is greatly concerned that Greens Senator Sarah Hanson-Young has introduced the Marriage Equality Amendment Bill into Federal Parliament; with a minimum of publicity. This Bill seeks to elevate same-sex relationships to equality with marriage, barely five years after the Marriage Amendment Act placed in statute law what the common law had asserted for hundreds of years, and the UN Declaration had enshrined in Article 16, that marriage was defined as a union between a man and a woman entered into for life. The measure was carried by a considerable majority in the Parliament at the time, so the reason for the introduction of the present Bill - an experiment in social engineering - is hard to fathom; especially since marriage in its present form has delivered considerable benefits to humankind over millennia.

Not only are we opposed to the Marriage Equality Amendment Bill, but we believe that government policy should be directed towards strengthening marriage. Suggestions as to how this can be done are included in this submission. Reference should also be made to pp 7,8 of the publication "Marriage Manifesto" entitled "Stepping Forward Together - A Call to Action" included as a separate attachment.

2. Historical

In a book entitled: "The Future of Marriage", David Blankenhorn, founder and president of the Institute for American Values, resorts to using a large amount of historical and anthropological evidence to show that, almost from the dawn of civilisation, and among many different cultures, marriage has been understood in almost exactly the same way as it is now. He demonstrates in convincing fashion the manner in which, despite differences in cultural milieu, marriage is a universal ritual.

He quotes the finding of leading anthropologist, Laura Betzig who, upon examining 186 societies to find out why people divorce, came up with the fact that the primary reason for divorce was adultery, followed closely by sterility; which suggests that marriage is fundamentally about sex and reproduction.

Additionally, for Blankenhorn, marriage can be reduced to the needs of children. In his opinion the most important aspect of a child's needs are a mother and father, especially those who brought the child into existence; who love the child and who love each other. For most of the 1970s and 80s, most family scholars insisted that child well-being was not causally related to marriage and family structure. Today, opinion based on new research findings, has shifted dramatically in the opposite direction: marriage matters; and, most importantly, the health of children is strongly linked to the health of marriage. So much so that there is a "growing consensus", according to columnist Jane Eisner (2003), that "the central question of American life" now is: "How do we strengthen marriage as the primary social institution to rear children?" This is probably the pivotal question to be asked about marriage not only in America but throughout the western world. Marriage is good for the couple, their children and the nation.

We would argue that the Marriage Equality Amendment Bill, if it is passed, will serve only to weaken marriage as a social institution, and thereby exacerbate the stresses which appeared in family life and society towards the end of the 20th century.

3. Definition

In attempting to arrive at a working definition of marriage, we take exception to those definitions which are radically insubstantial; those relying on phrases such as: 'providing social stability'; and: 'the utmost expression of a couple's commitment and love'. In essence the trend towards defining marriage in these - almost abstract - terms precludes consideration of its fundamental purpose: socially approved sexual intercourse between a

man and a woman. In addition, another word often overlooked in these definitions, is children; despite the fact that for many centuries, and across cultures, scholars, jurists and social commentators – including Bertrand Russell - have emphasised that marriage is deeply connected to bearing and raising children. Furthermore, insisting that children are not important to marriage is tantamount to insisting that marriage makes no formal sense.

4. Exceptions

That is not to say that the two principal reasons given above are the only reasons people choose when they agree to marry but, by using peripheral reasons to advance the cause of same-sex ‘marriage’, its protagonists are guilty of focusing on the exceptions while ignoring the rule. This theme – that marriage is deficient simply because of the aberrations of people who enter into it for reasons other than those for which it was designed - recurs constantly in the arguments propounded for same-sex ‘marriage’. We learn that those who favour same-sex ‘marriage’ use the fact that because some married people choose not to have children, divorce rates in marriage are high; and, children are born – either naturally or using reproductive technology - to unmarried mothers, clearly dysfunctional situations, it is necessary, therefore, for society to permit marriage to be manipulated to cover any and every imaginable relationship. Such an argument, while it appears, superficially at least, to address the situation, can be seen as analogous to the following: ‘because termination of pregnancy can sometimes occur naturally (in miscarriage), it is therefore permissible for forcible termination (abortion) to occur’. Clearly a nonsense.

Again, in accepting same-sex ‘marriage’, as has occurred in some countries and, given that such unions often have access to reproductive technology and adoption by which to acquire children, legally there is no such thing, any longer, as a natural or biological parent; there are only legal parents. Or, to put it another way, a parent is whoever the state says is a parent. Australia, as well as New Zealand, has also moved beyond the strict two parent model in seeking to accommodate authorised changes in reproductive technology. In New Zealand, depending on the wishes of the egg and sperm donors involved, they may either ‘opt in’ or ‘opt out’ of legal parenthood. In cases where a donor decides to ‘opt in’, the child in question would have three legal parents. Do such arrangements presage the concept of group ‘marriage’ (polyamory) for the parents? It is interesting to observe that in New Zealand the word ‘bothie’ has been coined to describe a child who is understood to have four parents – two gay fathers and two lesbian mothers. Thus, in these countries, changing marriage has changed parenthood forever; not just for a few, but for all children.

5. Adoption

Another example which illustrates attempts to separate marriage from parenthood is by recourse to arguments involving adoption. Adoptive parents are not biological parents, yet society does not feel threatened by adoption so where, the argument goes, is the harm if people of the same sex play similar roles to married couples; surely all this means is that marriage and parenthood are not really connected? In general terms, all such arguments do is to declare that any minor exception to the rule, for whatever reason, means that no rule exists. Such an assertion is easy to make but is intellectually vacuous. At the present time, most western societies are bedevilled by the problem of assisting small groups of people to discover their natural parents for a variety of reasons. In a celebrated case in the UK recently, the High Court was called upon to annul a marriage between a couple who discovered, some time after their wedding, that they were twins, separated at birth. Do we really need to compound these problems with same-sex ‘marriage’, especially where the interests of children are concerned?

6. Magnitude

There are at present 8.5 million Australians who are married. Given that homosexuals represent around two percent of the Australian population, with only a small fraction of these in long-term relationships (Senator Cormann was recently informed (9.6.09), in response to a question in the Parliament, that there were approximately 6000 people in long-term same-sex relationships in Australia), and an even smaller proportion interested in raising children, is there any justification for pursuing such an agenda? All that will be achieved is the creation of havoc in the institution of marriage, which has delivered so many advantages to society over a considerable period of time.

7.Rights

Of all the arguments used by those favouring same-sex 'marriage', the most frequently repeated is the one based on rights. According to such arguments the right to marry, stemming from the UN Declaration of Human Rights, if it means anything, should mean the right to marry the person you choose. However, it is important to appreciate that Article 16 (the relevant section) contains six important, connected ideas. These are: marriage is a fundamental human right; it is intrinsically linked to children; men and women have equal rights; it requires the spouses' free consent; the natural family is society's basic group unit; and, the institution of the family deserves protection.

Contrasting these ideas with the insistence, by proponents of same-sex 'marriage', that marriage is not intrinsically connected to bearing and raising children enables one to see that Article 16 is effectively unravelled by them in the process. What the Declaration is not saying, or implying, is that anyone has the right to extend the definition of marriage to include any, and every, relationship.

As for appeals to arguments based on general rights, the analogy between gay 'rights' (including same-sex 'marriage') and the African-American civil rights movement is seen as spurious; the only accurate analogy is between the advocates of anti-miscegenation laws and the advocates of same-sex marriage, since each group wants to re-create marriage in the name of a social group that is fundamentally unconnected to marriage.

8.Deinstitutionalisation of marriage

Advocates of same-sex 'marriage', indicate that they are fundamentally opposed to the concept of traditional marriage; yet when asked whether they favour the same-sex variety they are fulsome in their praise of it: who can forget the statements made at the '09 ALP Conference? Such people, however, appear to see no problem in these conflicting opinions.

The single most radical assertion for same-sex 'marriage' is not about homosexuality, but that marriage and children are disconnected. This may be likened to an attempt to argue that Holden and cars are disconnected.

By selectively ignoring issues arising from the meaning of marriage as it has been practised through millennia, the children produced from it (see 3. Definition above), as well as the inevitable conflicts which have erupted, or will erupt, as a consequence of variations of it, we are led to the conclusion that, far from wishing marriage well, some of the proponents of same-sex marriage are actually committed to destroying the institution of marriage; with same-sex 'marriage' the first objective towards that goal. This process is known as deinstitutionalisation.

9. Consequences of deinstitutionalisation

Already, advocates of same-sex 'marriage' who consider that battle has been - or is about to be - won are moving on to the next phase of the campaign: polyamory, that is group or plural marriage. In extending arguments used to dismantle notions of traditional marriage, they maintain that there can be no single family structure imposed by the state to represent what might be termed an ideal model of marriage. Neither monogamy, heterosexuality, polygamy nor polyandry. They contend that all sorts of intimate relationships, so long as they are entered into voluntarily are equally valid, and thereby

equally deserving of legal recognition as marriages. According to this thesis, a relationship involving four women, two men and three women, or any other permutation would constitute a valid marriage. Does the list necessarily stop there? What about two women and a dog; or, a man a cat and a car?

The potential for damage, not just for marriage, but also for the human race, if such policies are ever implemented does not bear thinking about.

10. Tabulated Data

As with indicators of economic well-being in the community - which most developed societies have come to accept - we strongly support Blankenhorn's suggestion of the publication of data, in what might be termed a Marriage Index. This could be used to indicate the health, or otherwise, of marriage over time. Initially the Index would consist of the following indicators (percentages) of: Adults married; First marriages intact; Births to married parents; Children living with their own married parents; and, Children living with two married parents.

Tables of statistics produced from data collected by the International Social Survey Programme (ISSP) and World Values Survey (WVS) could also be emulated.

In a survey conducted by the ISSP in 2002, in answer to the question: 'A child needs a home with both a father and a mother to grow up happily', there was an overwhelming consensus between groups; with from 76.6 to 93.8 percent of respondents agreeing with the statement. As if to underscore this point, when the previous Attorney-General of WA, Jim McGinty, recently used the provisions of the Equal Opportunity Act to permit a same-sex couple to adopt a child, a phone poll conducted by one of the TV stations indicated that 87 percent of those who responded disapproved of the decision.

11. Reinstitutionalisation of Marriage

We strongly support Blankenhorn's suggestion that it is possible to reinstitutionalise marriage by adopting the following policies as a first step:

- Seek to push the success rate for first marriages up; with better marriage education.
- Seek to push the rate of unwed childbearing down; by encouraging pre-marital abstinence.
- **Make no further changes regarding the legal redefinition of marriage.**
- Increase public scrutiny and regulation of the fertility industry.

All of these outcomes will be greatly assisted if the Federal government provides official recognition of a special day each year (13th Aug), which celebrates marriage and is designated as National Marriage Day; in line with what is advocated by this Association. Eight and a half million people, who undertake great sacrifices in order to raise the next generation of taxpayers, deserve to be given due recognition.

12. Summary

We would suggest that, in this submission, we have mounted a defence of a traditional marriage: that between one woman and one man; committed to one another, and to raising the children born of that union. Any other position, such as are contained in the provisions of this Bill, is non-negotiable.

Those who take opposing views are seen as moving towards the deinstitutionalisation of marriage; especially in relation to legal parenthood, polyamory, etc.

Many of the arguments raised in favour of same-sex 'marriage' can be reduced to blatant attempts to attack the rules underpinning marriage by falsely focusing on exceptions to the rules: selective childlessness, attitudes towards divorce, child bearing outside marriage and adoption.

Neither the UN Declaration of Human Rights nor the campaign for gay 'rights' can be invoked in promoting same-sex 'marriage'.

We are of the opinion that marriage is capable of being reinstitutionalised, as long as government continues to stress its social utility; through instituting, for example, a National Marriage Day.

It is also imperative that we monitor data produced and designed to provide indicators of marital health in the community, such as a Marriage Index. Government policy can then be directed towards ameliorating problems which become apparent in the Index.

Australian Family Association(WA)