

# THE CHALLENGE OF HOMOSEXUAL MARRIAGE

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Perhaps the most disconcerting item on the gay agenda is the desire to equate same-sex relationships with normal marriage and family life. In this the gay lobby has been quite successful. For example, during the International 1994 Year of the Family, the Government refused to even try to define what it meant by the term “family” for fear of offending the homosexual lobby. Indeed, a Labor Federal Cabinet decided to include homosexual couples in its definition of families for the purpose of future census taking by the Australian Bureau of Statistics. Also, in New South Wales it has been decided that gay couples are to be recognised as “family”.<sup>1</sup>

And this has been a deliberate strategy of the homosexual activists: to radically alter the traditional understanding of marriage and family. One representative quote will suffice here. One Melbourne activist, discussing homosexual law reform, says that it “was not just about formal discrimination, although that was the language of the campaign. It was a battle to change the meaning of family”.<sup>2</sup>

If the institution of family is under sustained attack, the real object of this assault is the institution of marriage. Homosexual activists know that this is in many ways the jewel in the crown. Redefine marriage and you can easily redefine and destroy family. Thus the campaign to radically redefine the institution of marriage.

Of course the Orwellian attempt to equate same-sex relationships with traditional marriage is doomed from the outset. Homosexual marriage is simply an oxymoron. However, with de facto relationships now on a near par with marriage relationships, the gay lobby feels it can make a strong case for equating same-sex relationships with heterosexual marriage. Indeed, we have managed to strip away the inherent uniqueness of marriage by redefining it and broadening it.

As social commentator Maggie Gallagher puts it, “Over the past thirty years, quietly, and largely unremarked outside a narrow group of specialists, American family law has been rewritten to dilute both the rights and the obligations of marriage, while at the same time placing other relationships, from adulterous liaisons to homosexual partnerships, on a legal par with marriage in some respects. To put it another way, by expanding the definition of *marriage* to the point of meaninglessness, courts are gradually redefining marriage out of existence.”<sup>3</sup>

The identification of gay relationships with heterosexual marriage is a chief example of this. However, it needs to be pointed out that there has been a long debate amongst homosexuals over the question of gay marriage. Some are in favour, some are opposed, and there are many options in between. As one example, David McCarthy of the Victorian Gay and Lesbian Rights Lobby puts it this way: “Obviously while there is a lack of unanimity about gay marriage, our human rights must be the same as everyone else’s. If someone wants to get married or doesn’t want to get married, it’s their choice.”<sup>4</sup>

Indeed, one Australian homosexual lobby group has actually split over this issue. Two committee members have resigned from the New South Wales Gay and Lesbian Rights Lobby, claiming it has not pushed hard enough for marriage rights. But the Lobby said that marriage reform was “not a priority”.<sup>5</sup>

Consider just three of many quotes on this issue. An Australian lesbian said this about the Prime Minister’s attempts to keep marriage as the union of a man and a woman for life: “When it comes to same-sex marriages, John Howard has got us pretty well summed up. We’re not cut out for it. . . . [Heterosexuals are] welcome to it. ‘For life’! It’d be like sitting through one of those interminable bloody Indian films but when you get to the end it starts all over again and you can’t leave. Let’s leave marriage and other drudgery to heterosexuals. They’ve had millenniums of practice. They’re good at child-rearing and taking out the rubbish. I never wanted to be like them, even when I *was* one of them. . . . Surely we can come up with something better: semi-marriage or quarter-marriage, which would narrow the field down to eight. Or a casual, part-time or temporary marriage. Or even a flexitime marriage.”<sup>6</sup>

And the same lesbian, when asked whether open relationships work, was quite candid in her response: “I don’t know, but I know closed ones don’t. How many good, loving lesbian relationships have floundered on the rock of sexual tedium? That’s what worries me about our demands for holy matrimony because we want to be ‘just

like them'. If we go on demanding exclusive access to those we love, our relationships will end in anger and sadness – just like theirs.”<sup>7</sup>

An Australian homosexual activist puts it in even stronger terms: “I think gay marriage is an absolute non-starter as an issue. We have spent the last 40 years trying to get the state out of our bedrooms. Why are we now demanding recognition from John Howard? The notion of these extraordinary, creative, avant-guard gay people rushing to cover themselves in grey cardigans and join their straight cousins in the suburbs with some bureaucratic document just sh\*ts me.”<sup>8</sup>

But even those in favour of gay marriage do not necessarily think in terms of marriage as is commonly accepted. One homosexual writer for example, Andrew Sullivan, writes that if homosexual marriage contracts come into force, they would have to be “different”: that is, they would have to allow for “extra-marital outlets” and other major changes.<sup>9</sup> Of course that undermines the very essence of marriage, which is the covenant of life-long sexual faithfulness.

Indeed, I noted in the section on gay practices that monogamy is quite rare in homosexual relationships. Many homosexual commentators have made it clear that if and when they do achieve the right to “marry” they will demand to radically redefine what that term means. Several examples can be mentioned here.

Lesbian activist Paula Ettelbrick put it this way: “Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. . . . Being queer means pushing the parameters of sex, sexuality, and family, and in the process, transforming the very fabric of society. . . . As a lesbian, I am fundamentally different from non-lesbian women. . . . In arguing for the right to legal marriage, lesbians and gay men would be forced to claim that we are just like heterosexual couples, have the same goals and purposes, and vow to structure our lives similarly. . . . We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society’s views of reality.”<sup>10</sup>

American homosexual activist Michelangelo Signorile makes similar remarks, urging activists to “fight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely, to demand the right to marry not as a way of adhering to society’s moral codes but rather to debunk a myth and radically alter an archaic institution that as it now stands keeps us down. The most subversive action lesbians and gay men can undertake – and one that would perhaps benefit society – is to transform the notion of ‘family’ entirely.”<sup>11</sup>

And the percentage of homosexuals who actually want marriage rights is very small indeed. In Australia, studies have found that only about one-fifth of homosexuals and lesbians have showed an interest in same-sex marriage.<sup>12</sup> A major article on the subject in the homosexual press found that there are deep divisions over the issue, and same-marriage was far from a high priority for most.<sup>13</sup>

But with at least three nations now going the way of homosexual marriage (The Netherlands, Belgium, and Canada), and one US state (Massachusetts), the issue has taken on new significance. Indeed, with the Ontario Supreme Court declaring that it is a violation of homosexuals’ rights to restrict marriage to heterosexuals, a new emphasis has been made by some in the homosexual community to push for homosexual marriage in Australia.

For example, Victorian Gay and Lesbian Rights Lobby Co-convener David McCarthy said that gay marriage should be tested here, now that the Ontario ruling has been made. He argues that if an Australia gay couple went to Ontario and got married, or a Canadian married couple moved here, the Australian legal system would be forced to decide on whether that marriage was valid here. (Ontario has no residence requirement for marriages celebrated in the province, unlike Holland and Belgium).<sup>14</sup>

And this has now happened. A Melbourne couple went to Toronto, were “married,” and have now demanded recognition by Australian lawmakers. While the outcome is pending, it is now only a matter of time before the issue is brought to a head.<sup>15</sup>

Bear in mind that the Australian Greens and Democrats have already moved to allow amendments to the Marriage Act 1961 going in their direction. Moreover, in June of 2002 a news item reported that the Marriage Act could easily be reinterpreted by the courts. A top jurist gave confidential legal advice to the then Attorney-

General Daryl Williams saying that the Act was so wide open that courts could easily interpret gay and lesbian unions as legally valid marriages.<sup>16</sup>

Thus it is quite possible that the Australian Parliament could be by-passed altogether with a Court decision instead clearing the way for gay marriage. Indeed, the courts are already softening things up in this regard. On October 11, 2001, the Family Court of Australia decided that a transsexual could marry.<sup>17</sup> That is, a woman who underwent a sex change operation, was declared to be legally able to marry another woman, according to the Honourable Justice Chisholm. And in February 2003 the full court of the Family Court again decided that the 1999 marriage was valid.<sup>18</sup> In doing so the justices effectively undermined the words of the Marriage Act which state that marriage is the “voluntary union of one man and one woman, to the exclusion of all others”.<sup>19</sup>

Fortunately in August of 2004, Federal Parliament voted to amend the Marriage Act 1961 to ensure that marriage can only be between one man and one woman. However, the battle continues, and homosexual activists have clearly not given up the fight.

If homosexual marriage were to be legalised here, it would be one of the final nails in the coffin of heterosexual marriage and family. The truth is, all cultures have recognised marriage, but only of the heterosexual variety. And marriage has always been associated with procreation.<sup>20</sup> To strip marriage of its traditional moorings is to effectively destroy it.

Indeed, one must bear in mind the normative and educative function of the law. Whenever something is legalised, it sends out a social signal, saying that this must be an acceptable and even preferable activity. In legalising same-sex marriage, we will be making a major social statement, and taking a major step forward in social engineering. Even Judge Richard Posner, who in general favors the direction of the sexual revolution, is concerned about homosexual marriage. He writes, “To permit persons of the same sex to marry is to declare, or more precisely, to be understood by many people to be declaring, that homosexual marriage is a desirable, even a noble, condition in which to live.”<sup>21</sup>

And anthropologists who have studied the historical record have observed previous experiments in redefining sexual norms. They do not always like what they see. For example, a Boston University anthropologist remarks that anthropology “guards a treasure house of examples of what happens when a society institutionalizes *other* arrangements.” He argues that if a society normalises male homosexuality through gay marriage, the general results “are predictable on the basis of the ethnography: heterosexual marriage will be weakened; the birth rate will decline; that status of women as mothers will further erode; and young boys will be a much greater target of erotic attention by older males.”<sup>22</sup>

As one Canadian University professor put it, legal attempts to redefine marriage will eradicate a tried and tested good in favor of a risky social experiment. But the new hybrid will not be marriage at all: “Marriage is not merely a union of two person. It is a gendered union with specific social goods attached. The state – which did not invent marriage and has no authority to re-invent it – rightly takes an interest in marriage on account of these goods: stability of community and property, of human reproduction and the care of children, of cross-gender and cross-generational bonding, etc.”

To include same-sex couples in the institution of marriage is simply to substitute “for a gendered phrase (‘one man and one woman’) its genderless one.”<sup>23</sup>

As William Bennett has written, “Marriage is not an arbitrary construct; it is an ‘honorable estate’ based on the different, complementary nature of men and women – and how they refine, support, encourage and complete one another. To insist that we maintain this traditional understanding of marriage is not an attempt to put others down. It is simply an acknowledgement and celebration of our most precious and important social act. Nor is this view arbitrary or idiosyncratic. It mirrors the accumulated wisdom of millennia and the teaching of every major religion.”<sup>24</sup>

Moreover, the same arguments used for legalising gay marriage could be used to argue for legalising incest, polygamy, and any number of other sexual combinations. If a man wanted to have a long-term sexual relationship with his daughter, or if three women wanted to do the same, how could any society argue against it, if it has already overturned the traditional understanding of marriage?

If marriage is no longer one man, one woman for life, then any number of alternatives seem to be possible. If homosexuals can argue that a loving committed relationship should qualify anyone for the institution of marriage, then other equally binding and loving unions should be recognised. What about a bisexual who really does love both a man and a woman? Cannot this threesome qualify?

Indeed, polyamory (group marriage) has become a new cause, championed by both grassroots groups and academic supporters. A quick search of the Web will reveal just how popular the idea of polyamory is becoming. Family law reformers for example are increasingly promoting this new sexual cause.

The truth is, all boundaries are smashed when we redefine marriage. There are even groups arguing for the right to marry one's pet! Called petosexuality, this new sexuality insists that a person's love for his or her pet, including sexual relations, should be made official. Thus one Dutch web site encourages people to marry their pets.<sup>25</sup>

Such proposals are not just being made by the lunatic fringe. Consider a recent article in the *Futurist*, produced by the World Futurist Society based in America. A cultural historian wrote an article entitled "The Transformation of Marriage". Stephen Bertman, professor emeritus of languages, literatures, and cultures at Canada's University of Windsor, argued that marriage may be "a semantic artefact of a lost world".<sup>26</sup> He argued that it is not just the transience of marriage that is at issue now. "It is the very definition of the term that futurists must now address. A radical redefinition of marriage is now under way that promises to transform its meaning for all future time."<sup>27</sup>

He gave as his first example same-sex marriage. He did not stop there however. He then went on to speak of other types of marriage. Seemingly with a straight face, he first raised the prospect of "interspecies marriage". This is the "potential for the sexual union of human beings and aliens".<sup>28</sup> From there he mentioned the option of marriages to pets. Why couldn't an "individual choose to affirm the emotional attachment he or she feels for a pet with the formality of a documented ceremony in which the human partner promises to love and honor the animal companion?"<sup>29</sup>

And finally, presumably still with the utmost seriousness, he speaks of the "theoretical possibility" of "the marriage of human beings to inanimate objects". He speaks of how many men love their cars, or how many people have formed an intimate relationship with their computer. "Why should not this bond of tactile intimacy be validated by more than an owner's manual?" he asks, seemingly in complete sincerity.<sup>30</sup>

As Bennett writes elsewhere, "once marriage has been detached from the natural, complementary teleology of the sexes, it becomes nothing more than what each of us makes of it".<sup>31</sup>

Or as another commentator says, "What we are doing by creating this institution to be called 'gay marriage' is smashing marriage and replacing it with a whole new set of arrangements that apply to everybody, not just homosexuals, everybody, in which marriage is a unique contract between any two or more adults who want to enter into it and set by any rules. It makes marriage impermanent, and it turns children into commodities."<sup>32</sup>

And that last point is of utmost importance. It is a crucial question that is usually omitted in this whole debate: What about the children? If we allow homosexual marriage and adoption rights, what will be the effect on children?

I will deal with the issue of children in a moment, but let first me mention a few words about the complaint often made by gays that they are discriminated against under current marriage laws. As an example, Australian comedian and television personality Julie McCrossin gave an address to the Sydney Institute in July of 1999. Entitled, "Always a Bridesmaid, Never a Bride: Recognising Same Sex Relationships," she spoke of how she and her lesbian partner were denied marriage rights in Australia.

She complained that she was being discriminated against, and made this impassioned statement: "Until we're able to get married, gay and lesbian couples don't have equality before the law."<sup>33</sup> Such an argument is common of course amongst gay rights activists.

However, these arguments are as fallacious as they are common. The truth is, no one has the kind of “equality before law” that the homosexual activists are clamoring for. In this case, for example, homosexuals are no more (and no less) being discriminated against than are all kinds of other people.

Yes it is true, a homosexual cannot now legally marry. But neither can a whole lot of other folk. A five-year old boy cannot marry. Three people cannot get married to each other. And even if an attractive young woman were to fall in love with me and want to marry me (a highly unlikely scenario I might add), she cannot, because I am already married.

Moreover, a girl cannot marry her pet goldfish, no matter how much she might love it. A father cannot marry his daughter, regardless of his affection for her. A football team cannot enact group marriage, no matter how close, committed and bonded they are. The list is endless.

However, under the law, almost all of us can marry, given certain conditions. If I should decide to reciprocate the affections of this young woman, I could divorce my current wife and marry her (also an unlikely scenario I must emphasise). The five-year-old could wait for around a dozen years, and then he will be free to marry. The threesome can decide to give one the boot, and then get married (provided they are an opposite sex pair).

And a homosexual too can marry. There is no law saying a homosexual cannot marry, if he decides to find a woman and settle down (or if a lesbian finds a man and seeks marriage). But it is nonsense for a person to eschew male-female relationships in favor of same-sex ones, and then complain of discrimination.

In the same way, it is disingenuous to complain about rights being taken away, when they never existed in the first place. Homosexual activist Rodney Croome for example displayed a case of sour grapes after the passage of the Marriage Amendment Act on August 19, 2004, which reaffirms in law what has always been the case: that marriage is only to be between a man and a woman, and no other combination. He wrote an op-ed piece a few days later, which opened with these words: “For the first time since federation, an Australian Parliament has voted to deprive gay and lesbian people of their rights.”<sup>34</sup> Sorry Rodney, but there never was such a right in the first place, so the government did no such thing. You cannot take something away if it was not there to begin with. But playing fast and loose with rights talk is a common characteristic of the homosexual activists in their attempt to cloud the issue and mislead public opinion.

Indeed, another way they seek to deceive the public is to use faulty analogies. For example, many advocates of same-sex marriage use the faulty analogy of racial segregation and policies which prevented people of different races from marrying. They claim that just as we now have renounced such discriminatory laws regarding marriage between the races, so too we should stop the restriction on same-sex marriage.

For example, when Prime Minister John Howard said he wanted to block legal recognition of same-sex marriages, high-profile lesbian couple Kerryn Phelps and Jackie Stricker said this was a “form of apartheid”.<sup>35</sup> But this is simply fallacious. There is no comparison between apartheid and defending heterosexual marriage. Even black activists like Jesse Jackson have rejected such a disingenuous analogy.

Apartheid is about keeping races apart. Marriage is about bringing the sexes together. Heterosexual marriage has been around for millennia. Talk of same-sex marriage has been around for a few short decades. Marriage was thus not created to discriminate against anyone, as apartheid was.

Finally, when marriage is declared to be about the best interests of children, homosexuals will still object. They argue that if you deny marriage for homosexuals because they cannot reproduce, what about all the heterosexual couples who do not have children? Marriage isn’t just about having children, is it, they ask.

This sounds like a good argument, but it isn’t really. Marriage is certainly open to the possibility of children, even though for various reasons not all marriages will result in children. One commentator offers this insight on the relationship of marriage to reproduction: just turn the question around. That is, instead of asking “whether actual reproduction is essential to marriage, ask this: If marriage *never* had *anything* to do with reproduction, would there be any reason for the government to be involved in regulating or rewarding it?”<sup>36</sup> Governments do not determine who your best friend should be. But when the possibility of children arise, then governments and societies are greatly concerned.

Before dealing with the issue of children, one final matter should be addressed. Just why is it that some homosexuals are so insistent on marriage rights? Why the very strong push by at least some in the homosexual community to be able to marry?

As many homosexuals themselves admit, a major reason why they want marriage is not so much to be like heterosexuals, or because they want to abandon their more free and promiscuous lifestyle, but because of its symbolic value. It will give them public recognition, approval and acceptance. This has long been the overriding goal of the homosexual lobby: complete social and public endorsement and approval. Thus by getting marriage rights, and, in turn, the last hurdle for gays, full adoption rights, homosexuals will have achieved their longstanding goal: legitimizing the gay lifestyle.

A leading American homosexual who has championed the cause of gay marriage, Jonathan Rauch, admits that this will be an important effect of same sex marriage: "it will ennoble and dignify gay love and sex as it has done straight love and sex".<sup>37</sup> Exactly, but as I have shown above, such a dangerous threat to public health and safety should not be ennobled or dignified, certainly not by governments who have the duty and responsibility to promote the health and wellbeing of all its citizens.

Australian homosexual activists have also acknowledged that their attempt to join heterosexuals in marriage is about legitimacy and acceptance. Consider the words of Rodney Croome: "this isn't about sex, it's about symbolism. Despite, or perhaps because of, an increase in de facto relationships and divorce, many Australians value marriage highly. For better or worse, it bestows on a relationship society's ultimate seal of approval. This is why social conservatives deeply loathe marriage equality and why, as the inheritors of centuries of stigma, many same-sex couples yearn for it."<sup>38</sup> That is what Mr Croome and so many others want, social approval. That is why there is such a concentrated effort to redefine marriage by the homosexual lobby.

<sup>1</sup> "NSW gives new meaning to the concept of family," *The Age*, April 18, 1995, p. 7.

<sup>2</sup> Stewart, *ibid.*, p. 78.

<sup>3</sup> Maggie Gallagher, *The Abolition of Marriage*. Washington: Regnery Publishing, 1996, p. 131.

<sup>4</sup> Cited in Andrew Milnes, "Always a bridesmaid," *MCV*, 7 November 2003, p. 1.

<sup>5</sup> "Marriage splits NSW lobby," *MCV*, 11 June 2004, p. 3.

<sup>6</sup> Amy Lowell, "Do lesbians need marriage?," *MCV*, 4 June 2004, p. 6.

<sup>7</sup> Amy Lowell, "Do open relationships work?," *MCV*, 27 August 2004, p. 6.

<sup>8</sup> Cited in James Norman, "The gay conservative and other queer couplings," *The Age A2*, 11 March 2006, p. 20.

<sup>9</sup> Andrew Sullivan, *Virtually Normal: An Argument About Homosexuality*. London: Picador, 1996, p. 202.

<sup>10</sup> Paula Ettelbrick, "Since when is marriage a path to liberation?," *Out/Look*, Fall 1989, p. 8.

<sup>11</sup> Michelangelo Signorile, "Bridal wave," *Out*, December-January 1994, p. 161.

<sup>12</sup> Sotirios Sarantakos, "Same-sex marriage: Which way to go?," *Alternative Law Journal*, vol. 24, no. 2, April 1999, pp. 79-84, p. 82.

<sup>13</sup> Cath Pope, "Marriage, right?," *MCV*, 27 May 2005, p. 1.

<sup>14</sup> Adam Carr, "Test gay marriage says lobby," *B.News*, 3 July 2003, p. 3.

<sup>15</sup> Farah Farouque, "Gay 'husbands' to test their marriage in court," *The Age*, 4 February 2004, p. 3.

<sup>16</sup> Gerard McManus and Simon Kearney, "Same-sex laws probe," *Sunday Herald Sun*, 30 June 2002, p. 8.

<sup>17</sup> Richard Egan, "Family court redefines man," *Family Update*, vol. 17, no. 6, November-December 2001, p. 1.

<sup>18</sup> Ian Munro, "Family court ruling tests the meaning of marriage," *The Age*, 22 February 2003, p. 3.

<sup>19</sup> Commonwealth Government, *Marriage Act 1961*, sect. 46 (1).

<sup>20</sup> The case for this is argued in my research paper, *The Historicity and Universality of the Natural Family*.

<sup>21</sup> Richard Posner, *Sex and Reason*. Cambridge, MA.: Harvard University Press, 1992, p. 312.

<sup>22</sup> Peter Wood, "Sex and consequences," *The American Conservative*, 28 July 2003, pp. 8-12, p. 10.

<sup>23</sup> Douglas Farrow, "Culture wars are killing marriage," *National Post* (Canada), 7 May 2003.

<sup>24</sup> William Bennett, "Gay marriage: Not a very good idea," *The Washington Times*, 21 May 1996.

<sup>25</sup> "Marriage for petrosexuals," *B.News*, 23 October 2003, p. 4.

<sup>26</sup> Stephen Bertman, "The transformation of marriage," *The Futurist*, March-April 2004, pp. 44-47, at p. 47.

<sup>27</sup> *Ibid.*, p. 44.

<sup>28</sup> *Ibid.*, p. 46.

<sup>29</sup> *Ibid.*, p. 47.

<sup>30</sup> *Ibid.*, p. 47.

<sup>31</sup> Bennett, *Broken Hearth.*, p. 115.

<sup>32</sup> David Frum, "Modern Marriage, Modern Trouble," in Katherine Anderson, Don Browning and Brian Boyer, eds., *Marriage: Just a Piece of Paper?* Grand Rapids: Eerdmans, 2002, p. 364.

<sup>33</sup> Julie McCrossin, "Always a bridesmaid, never a bride: Recognising same sex relationships," *The Sydney Papers*, Winter 1999, pp. 145-151, p. 145.

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<sup>34</sup> Rodney Croome, "Fundamental flaws and dangers in moves against same-sex marriage," *The Canberra Times*, 16 August 2004, p. 13.

<sup>35</sup> Emma-Kate Symons, "Block on gay marriage is just like apartheid," *The Australian*, 27 April 2004, p. 1.

<sup>36</sup> Peter Sprigg, "Questions and answers: What's wrong with letting same-sex couples legally 'marry'," Family Research Council, Issue no. 256, 17 October 2003.

<sup>37</sup> Rauch, p. 71.

<sup>38</sup> Rodney Croome, "Let no wedge tear gay unions asunder," *The Australian*, 29 April 2004, p. 11.