

Submission

to

Senate Legal and Constitutional Committee

**Inquiry into**

**Marriage Equality Amendment Bill 2009**

**From**

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# Summary and Recommendations

The Marriage Act defines marriage as being between a man and a woman.

**We submit that the Marriage Act should remain the same and should continue to be only between a man and a woman.**

There is no justifiable reason to extend the definition of marriage to include any “two persons” as proposed by this private Senator’s Bill.

Regarding the recognition of same-sex ‘marriages’ that have been performed overseas, Australia should not have to be subject to the laws of other nations which are in conflict with our own laws.

**We recommend that this section of the Marriage Act remain the same and that the proposal contained in the Bill under investigation, to allow the recognition of those, be rejected.**

## Submission

### 1. Marriage Act – man and woman

The **Marriage Act** was amended in 2004 to formally put into the law what was already the basis of our laws and society – that marriage is only between a man and a woman.

Prior to the amendments made in 2004, the Marriage Act required ministers of religion and celebrants to state, during the solemnisation of a marriage (whether a civil or religious service) that marriage was between a man and a woman, voluntarily entered into for life.

The amendments merely put into the law what everyone in society already knew to be true – that marriage is between a man and a woman.

As Christians, we believe that mandate for marriage goes back to Genesis, where God made man and woman and put them together, telling them to be fruitful and multiply (Gen 1:26).

In Genesis 2:24, it goes on to say that a man will leave his father and mother and cleave to his wife, becoming “one flesh”, thus instituting marriage.

### 2. State recognition and registration of marriage – Benefits to society

The State has recognised and registered marriage between a man and a woman because of the benefits it brings to society.

A happily married couple bringing up their biological children means less expense for the state – in the provision of social welfare benefits and policing, for a start.

It is in the interests of the state to promote marriage between a man and a woman.

Chris Meney, of the Catholic Archdiocese in Sydney writes

*“The state demonstrates its public interest by attaching to marriage a range of entitlements, rights and duties with respect to welfare, inheritance, the giving of evidence in court and the care of children etc.*

*As Barry Maley says in 'Family and Marriage in Australia' (2001), "Such privileges and protections are incomprehensible and hard to justify except as expressions of the public and private interest in securing not simply the rights of the spouses as individuals, but also the*

*integrity of the union between them and the implications of that union for any children they might have and for society at large".*

See **The Benefits of Marriage to the Nation**

Presented at the Marriage Summit - 18th September 2007

[http://www.gendermatters.org.au/Papers\\_files/2%20Meney%20-%20Benefit%20of%20Marriage.doc](http://www.gendermatters.org.au/Papers_files/2%20Meney%20-%20Benefit%20of%20Marriage.doc)

Extensive research shows that marriage has beneficial effects for the children, the husband and the wife as well as for society as a whole.

A booklet produced in the USA called '*Why marriage matters, Twenty-six conclusions from the Social Sciences, Sept 2005*' documents much of the research.

The document is posted at the 'Center for Marriage and Families' on the Institute for American Values website.

Link to document: <http://center.americanvalues.org/?p=7>

Interestingly the summary of the Report is posted on the US Government's Department of Health and Human Services website – under the title 'The Healthy Marriage Initiative'.

Link: <http://www.acf.hhs.gov/healthymarriage/benefits/index.html>

The summary is:

### **Benefits of Healthy Marriages**

#### **For Children and Youth**

Researchers have found many benefits for children and youth who are raised by parents in healthy marriages, compared to unhealthy marriages, including the following:

1. More likely to attend college
2. More likely to succeed academically
3. Physically healthier
4. Emotionally healthier
5. Less likely to attempt or commit suicide
6. Demonstrate less behavioral problems in school
7. Less likely to be a victim of physical or sexual abuse
8. Less likely to abuse drugs or alcohol
9. Less likely to commit delinquent behaviors
10. Have a better relationship with their mothers and fathers
11. Decreases their chances of divorcing when they get married
12. Less likely to become pregnant as a teenager, or impregnate someone.
13. Less likely to be sexually active as teenagers
14. Less likely to contract STD's
15. Less likely to be raised in poverty

#### **For Women**

Researchers have found many benefits for women who are in healthy marriages, compared to unhealthy marriages, including the following:

1. More satisfying relationship
2. Emotionally healthier
3. Wealthier

4. Less likely to be victims of domestic violence, sexual assault, or other violent crimes
5. Less likely to attempt or commit suicide
6. Decrease risk of drug and alcohol abuse
7. Less likely to contract STD's
8. Less likely to remain or end up in poverty
9. Have better relationships with their children
10. Physically healthier

### For Men

Researchers have found many benefits for men who are in healthy marriages, compared to unhealthy marriages, including the following:

1. Live longer
2. Physically healthier
3. Wealthier
4. Increase in the stability of employment
5. Higher wages
6. Emotionally healthier
7. Decrease risk of drug and alcohol abuse
8. Have better relationships with their children
9. More satisfying sexual relationship
10. Less likely to commit violent crimes
11. Less likely to contract STD's
12. Less likely to attempt or commit suicide

### For Communities

Researchers have found many benefits for communities when they have a higher percentage of couples in healthy marriages, compared to unhealthy marriages, including the following:

1. Higher rates of physically healthy citizens
2. Higher rates of emotionally healthy citizens
3. Higher rates of educated citizens
4. Lower domestic violence rates
5. Lower crime statistics
6. Lower teen age pregnancy rates
7. Lower rates of juvenile delinquency
8. Higher rates of home ownership
9. Lower rates of migration
10. Higher property values
11. Decreased need for social services

A similar document was published in Australia – using some of the same research and adding Australian data. It is called '*21 Reasons why Marriage Matters*' – it is online at <http://www.fatherhood.org.au/resources/21%20Reasons%20Why%20Marriage%20Matters%2030July04.pdf>

## Children benefit from marriage between a man and a woman

The latest data on child abuse from the Australian Institute of Health and Welfare [ [Child Protection Australia 2007-2008](#) ] shows that children who live in intact families with their biological parents have a **much lower incidence of child abuse**.

On Page 35 of the Report, it says

*“Compared with the distribution of family types in the Australian population, a relatively high proportion of substantiations involved children living in lone families and in twoparent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families.”*

[Child Protection Australia 2007-2008](#) -

<http://www.aihw.gov.au/publications/cws/cpa07-08/cpa07-08.pdf>

A calculation of the rates shows that children in intact families are about six times less likely to have substantiated cases of child abuse.

Recent cases of children being abused and killed by a mother’s *de facto* boyfriend highlight this situation.

“In Australia, the Human Rights Commissioner Brian Burdekin stated that there was an alarming **500-600% increase in abuse of girls** in families where the adult male was not the natural father”, writes Chris Meney, Director, Marriage and Family Office, Catholic Archdiocese of Sydney.

[http://www.gendermatters.org.au/Papers\\_files/2%20Meney%20-%20Benefit%20of%20Marriage.doc](http://www.gendermatters.org.au/Papers_files/2%20Meney%20-%20Benefit%20of%20Marriage.doc)

## **Benefit for women**

The benefits to health, finances and security are important matters for wellbeing. The above list highlights these factors.

Happiness is another benefit of marriage. An analysis of the Australian evidence led researchers to summarise:

*“The results strongly suggest that marriage makes people happier because the security and legal recognition of a formal marriage makes for committed, loving personal relationships.*

### **Effect of family structure on life satisfaction: Australian evidence.**

Evans, M D R; Kelley, Jonathan

Melbourne, Vic: Melbourne Institute of Applied Economic and Social Research, University of Melbourne, 2004, 25p, tables, (Melbourne Institute working paper no.24/04), and Online (PDF 195 KB)

## **Benefit for men**

Marriage has a civilising effect on men. Embracing marriage and commitment, and the arrival of children, has seen many young men turn into responsible and caring husbands and fathers.

*The Journal of Marriage and Family* (literature review,1990) described the protective effects of marriage as follows:

*“Compared to married people, the non-married...have higher rates of mortality than the married: about 50% higher among women and 250% higher among men”*

## **3. Same sex relationships are NOT the same as heterosexual relationships.**

**The benefits that are attributed in the research to marriage only apply to marriages between a man and a woman.**

Same-sex relationships do not have the stability or the same results regarding children as heterosexual relationships do.

Just some of the factors ...

### **a) Length and type of relationships for homosexual men**

Research from the National Centre in HIV Social Research at the University of NSW shows that homosexual relationships are **not like heterosexual ones**.

Detailed studies have been done on homosexual men in Melbourne, Sydney, Brisbane and other Australian cities, mostly by the NCHSR.

#### **They have found:**

##### **(i) Multiple partners:**

Most male homosexuals do not have regular monogamous relationships. The *Melbourne Gay Community Periodic Survey* (MGCPS) study of Feb 2000 found that only 20% of men had just one partner in the previous six months; 39% had 2 to 10 partners and 26% had 11-50 partners. 7.8% had over 50 partners.

Thus 73% had more than one partner in the previous six months.

The notion of being 'monogamous' is a rare one in the male homosexual community.

The book *'The New Joy of Gay Sex'* examines this issue of 'monogamy' and says

"monogamy means that two people have declared themselves lovers - an intimate emotional and sexual relationship. The latter arrangement can include sexual adventures outside the relationship."

**The New Joy of Gay Sex**, by Dr Charles Silverstein and Felice Picano (1992) HarperCollins Publishers.

Given the relative instability of such relationships, this would have an adverse effect on young children in such relationships.

##### **(ii) Regular partners**

In the Melbourne MGCPS study (Feb 2000) only 27% of men said they had **only regular** partners. (Some studies note that even when they consider themselves as having a 'regular partner' this can include the other partner having extra casual sex.)

35% of the respondents have 'regular plus casual' sex. The wording of the question is such that it did not necessarily **mean just one** regular partner – it could mean several regular partners.

##### **(iii) Group sex**

In 2008, two additional questions were asked about group sex in the MGCPS. They reported "Among men with **regular partners**, 32.3% had "engaged in group sex involving their partner and at least one other man".

Among those with casual partners, a much higher proportion - 50.8% - reported that they had engaged in group sex involving at least two other casual male partners." (page 21-22)

The **Melbourne Gay Community Periodic Survey 2008** found that 26.8% of homosexual men say they have 'only regular' partners, 30.6% have regular PLUS casual; 25.9% have only casual sex and 16.7% said they had no sexual contact with men at the time of completing the survey. (Page 21)

##### **(iii) The length of relationships**

This question, (Melb, 1997) about length of relationships, found that, of those who had a regular partner, 40.4% changed in the previous month, 10% were 6-12 months old and 18.8% were 1-2 years old. Only 30% had lasted more than 3 years and only 15.7% lasted more than 5 years.

Changing the laws to legally recognise such relationships means multiple legal problems in the future with relationships breaking up and instability, especially for already vulnerable children.

#### **b) Lesbian relationships – domestic violence**

The evidence relating to lesbian relationships shows serial relationships are the normal pattern rather than multiple partners.

Domestic violence is a problem in many lesbian (as well as male homosexual) relationships.

Lee Vickers, writing in the Murdoch University Electronic Journal of Law, Vol 3, No 4 (December 1996) in an article titled “The **Second Closet: Domestic Violence in Lesbian and Gay Relationships: A Western Australian Perspective**” acknowledges studies commenting on domestic violence in heterosexual relationships as between 20-35%. Even there, the manner of collection of the statistics seems to lead to a ‘high’ rate.

She then goes on to analyse domestic violence in same sex relationships. She quotes some studies that give similar figures but then quotes studies that substantiate a **much higher rate of domestic violence in lesbian relationships**.

She says:

*“A 1985 study of 1109 lesbians by Gwat-Yong Lie and Sabrina Gentlewarrier reported that slightly more than half of the respondents indicated that they had been abused by a female partner. Coleman, in a 1990 study of 90 lesbians reported that 46.6% had experienced repeated acts of violence. Finally, Ristock's study of 113 lesbians reported that 41% said they had been abused in one or more relationships.*”

In fact she acknowledges her surprise at her research findings. She says

*“Arguably, these estimates substantially under represent the extent of the problem, due to the general reluctance to report or discuss incidents considered to be a 'private' matter between partners, and also because of the impact of a heterosexist and homophobic society which effectively maintains the silence of same sex domestic violence survivors. There exist barriers both within the lesbian and gay community and the wider community to disclosing same sex domestic violence, and both are inextricably linked to heterosexism and homophobia.”*

See this paper at <http://www.murdoch.edu.au/elaw/issues/v3n4/vickers.html>

A recent study by Victorian Gay and Lesbian Health, titled ‘Coming Forward’, notes that **41 % of lesbian couples report abuse from their lesbian partner**.

See report at <http://www.glhv.org.au/files/ComingForwardReport.pdf>

The next two studies relate to both male and female homosexuals. Both of them document high rates of domestic violence in the homosexual community.

#### **[Private Lives: A report on the health and wellbeing of GLBTI Australians](#)**

Gay and Lesbian Health Victoria investigated the level of ‘intimate partner abuse’ in same sex relationships. Over 5400 people were surveyed - the study found that "32.7% of respondents had experienced violence or abuse".

#### **[Fair's Fair](#)**

"A Snapshot of violence and abuse in Sydney LGBT relationships 2006".

This report says "It has been argued that domestic violence is the third most severe health problem for gay men, following HIV/AIDS and substance abuse".

**The findings:**

"Overall, including responses from participants of all genders and for both previous and current relationships, the types of abuse indicated ranged from: controlling-jealous behaviour (47.7%); humiliation (45.1%); physical abuse (34.4%); social isolation (30.8%); financial control (17.8%); sexual abuse (16.8%) and outing (16.8%)."

**c. Health Risks**

The homosexual community has a far higher incidence of sexually transmitted disease than the heterosexual community. STDs are increasing in epidemic proportions and 85% of all AIDS victims in Australia are homosexual men.

Homosexual papers constantly alert their readers to the risk of STDs. The week prior to the 'Gay Games', the Melbourne Star, a Melbourne homosexual newspaper ran a front page article titled "Games ghonorea and syphilis alert".

This alert referred to the promiscuous sexual activity that was expected at the games and associated parties and said that Sexual Health Centres around Australia were getting ready for an increase in STD cases.

The Victorian Aids Council [stated](#), in January 2009,

*"Currently in Victoria there is an outbreak of Shigellosis among men who have sex with men and it's not pleasant."* ([Southern Star](#), 14/1/2009)

Even the Gay and Lesbian Medical Association has fact sheets on their website about the health risks of homosexual, lesbian and transsexual relationships. They advise people to tell their doctors so they can be aware of the extra health risks.

See

<http://www.glma.org/index.cfm?fuseaction=Page.viewPage&pageId=586&parentID=533&nodeID=1>

Overall, homosexual relationships are not the same as heterosexual ones. It is inappropriate and unacceptable to extend marriage to include such relationships.

## **4. Homosexual relationships, same-sex parenting and children**

It is often claimed that studies of same sex parenting show there is no difference between heterosexual and same sex parenting. Several major surveys of the research have shown that this assertion is not true.

Many of the studies are small and have methodological flaws. Some are done by lesbians themselves, such as Charlotte Patterson.

When the Victorian Law Reform Commission investigated this topic, the key person doing the 'research' on same sex parenting by Dr Ruth McNair – a lesbian who was running the main LOBBY GROUP – the Victorian Gay and Lesbian Rights Lobby's Fertility Action Group!

The important studies that show there are problems with the studies and that same-sex parenting is a problem are:



**a) Children as Trophies, Patricia Morgan, UK, 2002**

Sociologist Patricia Morgan analysed all the studies done on same sex parenting and published her findings in a 160 page book titled “*Children as trophies*”.

She documents the evidence for the two-parent family, as well as showing the flaws in the studies that claim same sex parenting has no disadvantages.

She deals with one of the statements made by those advocating the acceptance of same sex parenting and adoption – that there are dysfunctional heterosexual families and there is no difference between them and homosexual parents.

She says “no amount of decrying or demonstrating the disadvantages of one situation is, in itself, proof of the advantages of another. Deficiencies or condemnations of heterosexual parenting are not, in themselves, valid evidence for the superiority of homosexual parenting.”

Morgan reviews 144 academic papers on homosexual parenting. She finds that the methodological shortcomings include: failure to design the study properly; failure to properly measure the relevant variables; failure to control for extraneous variables; and failure to use proper statistical tests.

Some of the studies select their ‘subjects’ by advertising in the homosexual press whilst others set out to promote the homosexual lifestyle. Self-reporting with small samples does not lead to valid statistical research.

Her conclusion is that these faults mean the majority of the studies are not valid.

She notes that some of the studies actually give very mixed messages and concludes “many studies actually indicate significant differences between homosexual and heterosexual parenting outcomes for children, particularly the likelihood that children of homosexuals may become involved in homosexual behaviour themselves.”

After discussing the instability of homosexual relationships (similar to those above) Morgan concludes “This all suggests that children living with homosexuals – particularly male homosexuals – are more likely to face high prospects of repeated family disruption, or multiple family transitions and exposure to high stranger levels in the home, compared to those living with heterosexuals.”

This book, “*Children as Trophies*” which documents in detail why same sex parenting is harmful to children, is available online – <http://www.christian.org.uk/pdfpublications/childrenastrophies.pdf>

**b) “No Basis: What the Studies Don’t Tell Us About Same-Sex Parenting”**

by Robert Lerner, Ph.D., and Althea Nagai, Ph.D.

These two professionals, in the field of quantitative analysis, evaluated 49 empirical studies on same-sex (or homosexual) parenting.

This included the book by Tasker and Golombok (1997) as well as studies by Patterson, Green, and others that are referred to in the issues paper.

Their evaluation table analyses all the studies and is an essential; document in analyzing the studies.

The introduction to their extensive analysis states:

“The evaluation looks at how each study carries out six key research tasks:

- (1) formulating a hypothesis and research design;
- (2) controlling for unrelated effects;
- (3) measuring concepts (bias, reliability and validity);
- (4) sampling;
- (5) statistical testing; and
- (6) addressing the problem of false negatives (statistical power).

“Each chapter of their 149 page evaluation describes and evaluates how the studies utilized one of these research steps. Along the way, Lerner and Nagai offer pointers for how future studies can be more competently done.

Some major problems uncovered in the studies include the following:

- Unclear hypotheses and research designs
- Missing or inadequate comparison groups
- Self-constructed or unreliable comparison groups
- Non-random samples – including participants who recruit other participants
- Samples too small to yield meaningful results
- Missing or inadequate statistical analysis.

“Lerner and Nagai found at least one fatal research flaw in all forty nine studies. As a result, they conclude that no generalizations can reliably be made based on any of these studies. For these reasons the studies are no basis for good science or good public policy.”

The 149 page report by Lerner and Nagai is available at <http://marriagewatch.org/publications/nobasis.pdf>

### **c) (How) Does the Sexual Orientation of Parents Matter?**

Judith Stacey and Timothy Biblarz

This 25 page article, published in the American Sociological Association Journal, is available on the web at <http://www.asanet.org/pubs/stacey.pdf>

Stacey and Biblarz are secular researchers who analysed the studies on same sex parenting. They found that there are significant differences in outcomes.

They note they are careful to look at both sides of the issue and are not opposed to same sex parenting themselves:

*“Because we personally oppose discrimination on the basis of sexual orientation or gender, we subject research claims by those sympathetic to our stance to a heightened degree of critical scrutiny and afford the fullest possible consideration to work by scholars opposed to parenting by lesbians and gay men.”*

However, they too found a large number of methodological flaws in the studies.

The abstract states

*“The authors discuss limitations in the definitions, samples, and analyses of the studies to date. Next they explore findings from 21 studies and demonstrate that researchers frequently downplay findings indicating difference regarding children’s gender and sexual preferences and behaviour that could stimulate important theoretical questions. A less defensive, more sociologically informed analytic framework is proposed for investigating these issues. The framework focuses on (1) whether selection effects produced by homophobia account for associations between parental sexual orientations and child outcomes; (2) the role of parental gender vis-à-vis sexual orientation in influencing children’s gender development; and (3) the relationship between parental sexual orientations and children’s sexual preferences and behaviors.”*

Despite finding there are differences, they try and suggest this may make them more resilient... It is clear that many of the major studies are flawed. An unbiased analysis is needed.

For the sake of our children it is essential that we do not support changes to marriage to allow same-sex couples to marry as though there were no differences.

## **More on same sex parenting**

### **Some questions that are often raised**

#### **Will the child grow up to be a lesbian or gay man?**

Several studies do show a higher rate of homosexuality in children brought up by homosexual parents. The Tasker and Golombok study found that the child of a same sex couple is more likely to have considered same-sex sexual relationship(s) and had same-sex sexual relationship(s) (Tasker and Golombok 1997).

Recently US psychologist **Dr Trayce Hansen** examined the same-sex parenting studies. In her review (see full links below) she focused on the issue of whether a child brought up by homosexual parents *is MORE LIKELY to become a homosexual or lesbian themselves.*

*Her findings:*

- \* **The summaries often didn't mention the findings**
- \* **Children raised by homosexuals 4-10 times more likely to be homosexual**
- \* **Children much more likely to consider same-sex relationships**

#### **Documents:**

**Dr Hansen - Summary of the review**

**Pro-Homosexual Researchers Conceal Findings:**

**Children Raised by Openly Homosexual Parents More Likely to Engage in Homosexuality**

By Trayce Hansen, Ph.D.

**Dr Hansen's Review:**

**A Review and Analysis of Research Studies Which Assessed Sexual Preference of Children Raised by Homosexuals**

By Trayce Hansen, Ph.D.

The benefits and institution of marriage should not be extended to such relationships.

## **4. Marriage should only be between a man and a woman**

We submit that the Marriage Act should remain the same and should continue to be only between a man and a woman.

**We recommend that the Committee reject the proposals made in the Bill and recommend that the Bill not be proceeded with.**

## **5. Recognition of overseas same-sex 'marriages'**

Regarding the recognition of same-sex 'marriages' that have been performed overseas, Australia should not have to be subject to the laws of other nations which are in conflict with our own laws.

**We recommend that this section of the Marriage Act remain the same and that the proposal contained in the Bill under investigation, to allow the recognition of those, be rejected.**