

SUBMISSION TO THE MARRIAGE EQUALITY AMENDMENT BILL 2009 INQUIRY

This submission is in opposition to the proposed Bill, and to demonstrate that it is based on flawed reasoning:

This is a private senator's bill that seeks to remove all discrimination from the Marriage Act 1961 on the basis of sexuality and gender identity, and to permit marriage regardless of sex, sexuality and gender identity.

The issue in question is not about an Australian Act in the past century, it is about the nature of marriage throughout recorded history. An immutable basis for marriage is, has always been, and logically can only be, the legal union of a man and a woman. To say otherwise is contrary both to biological science and common sense.

Homosexual persons have the same dignity and rights as any other human person. However the fact that all persons possess intrinsic and inalienable rights does not mean that every person has a capability to exercise every right. For instance, persons with disabilities have the same rights as the able-bodied. But some disabilities may preclude a right to serve in the military. Military service is not about individual rights, it is about national defence. Many will be familiar with a motto: *Non sibi, sed patriae*, = *Not for self, but for country*. Self interest is subordinated to the common good. Likewise marriage is not about individual rights, but about recognising and upholding the social institution of the family.

Equality of rights does not mean sameness. Each person has individual physical, psychological and other characteristics, which may preclude capacity to enter into specific roles, despite a desire to do so. Desires should not be confused with rights. No right can be claimed for an individual, for which that individual does not possess a capability.

In the above example, a person with disabilities may possess individual merit far above that of an average able-bodied person. By virtue of equality of rights, disability must be no bar, for instance, to the holding of public office, although there may not be a capacity for military service. There are other ways whereby such a person may render a valuable service to country.

Homosexual unions can never equate to authentic marriage, there being no way that such unions can produce a natural family. One of the partners may become a parent by artificial means, but such a resultant child is **not theirs**. To make this claim is contrary to scientific fact, and is based on make-believe reasoning. Homosexual persons already enjoy equality, including a right to marry, but marriage, is, by its very nature, applicable only to the union of a man and a woman. Their childlessness is due, not to individual disability or choice, but to the non-reproductive nature of the union. It is their lifestyle, not unjust legislation, that precludes their capacity to marry.

Homosexuals may claim a right to privacy, but rights of others are impinged when private lives are made very public and imposed on the community in violation of the rights of others. Marriage is a public, not a private, institution.

Permitting a homosexual couple to adopt is a serious injustice to a child, in condemning him or her to be raised in an unnatural environment, deprived of a mother or a father. Many children, claimed as belonging to a "homosexual family", are in fact the offspring of a former heterosexual union (married or defacto) of one of the partners. As in all other cases, a natural parent has an authentic right to custody of such a child.

This very basic right has been violated in the name of same-sex "marriage". In the US, there has been a case in which a natural mother has been robbed of custody her own daughter. The mother has appealed in vain for justice, as custody of the child has been given to a former lesbian partner, who allegedly has subjected her to abuse. It appears that litigation is still ongoing.

http://mommylife.net/archives/2007/05/lisa_miller_jan.html

<http://www.lifesitenews.com/ldn/2009/feb/09020302.html>

In the United Nations Universal Declaration of Human Rights (1949), individual rights are viewed within the framework of an understanding that a family is the product of the lifegiving relationship

between a man and a woman.

Article 16.

1) 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. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. <http://www.un.org/en/documents/udhr/>

It is true that some marriages are childless, but this is an exception which proves the rule. No one, irrespective of sexual orientation, has a right to a child. But every child has a right to a mother and a father, who have a complementary role, not only in procreation, but in child rearing. In the light of biological science, every child does factually have a mother and a father. It is a child's right to know his or her parents and to share in the reciprocal love of a natural family. A child is a human being, not a commercial product or a political trophy.

The word discrimination is derived from the Latin, *Discrimen*, (-inis), meaning "that which parts", a distinction or difference. It has been associated with sound judgement, through an ability to discern and distinguish differences. In recent times, however, the word has taken on a negative connotation, whereby discriminate **from**, has been changed into discriminate **against**, perceived as favouritism based on "membership of a group, rather than individual merit". It has been associated with injustice and intolerance. However it is clear that not all discrimination is unjust.

Let us consider claims set out on the Australian Marriage Equality website:

<http://www.australianmarriageequality.com/>

Claims presented there may be shown to be gravely flawed. The focus is totally on perception "rights" of adults, with no mention of rights of children or family.

The site emblazons a Galaxy Poll claiming that 60% of Australians favour same-sex "marriage". This same "headline news" is proclaimed from the Australian Human Rights Commission's website:

http://www.humanrights.gov.au/about/media/media_releases/2009/57_09.html

Such an assertion may readily be challenged. It is common knowledge that public opinion polls are unreliable, and are strongly influenced by the terms in which the question is put. A similar claim that as much as 10% of the population is homosexual can likewise be demonstrated to be false.

The only way of determining the will of the people in this matter would be a national referendum. To impose legislation on such an important matter would be a gross violation of democratic rights. The experience from other parts of the world has been that where same-sex "marriage" legislation exists, it has either been imposed by a non-elected activist judiciary, or by a very narrow margin in the legislature. In cases when the voice of the people has been invoked, such a proposals have been firmly rejected.

To cite racism is a false analogy, as people of different skin colour have the ability to found a family. Arguments against religion are likewise irrelevant. In contemporary society religion has come under attack, not so much because of faith issues, but because of the moral principles which religion enjoins. This is regarded as a stumbling block to fulfilment of desires and promotion of an agenda by those who disagree with such principles.

In our society religion is not compulsory, nor is there any ban to forming a new religion. There is no established religion in our Australian Constitution. This is to protect freedom of religion for all. Nor is there any "separation of Church and State" in our Constitution. This is as it should be. While there is not a place for any Church to function as an instrument of government, every citizen has a right to freedom of speech to discuss religious and moral questions in the public forum. A new concept of freedom **from** religion, is replacing a valid freedom **of** religion (observe the importance of the preposition). Freedom of religion and freedom of conscience are fundamental human rights, which are coming under attack.

The social institution of marriage is broader than both religion and politics. In particular it is to be noted that recorded evidence for marriage predated Christianity by a huge time span. There is a remarkable similarity among ethical principles of all religions, as these correspond with promptings of the human conscience, whether religiously motivated or not.

There remains much research to be done on physical, psychological and/or other factors that give rise to same-sex attraction, but it is false and unjust to identify a person by his or her "sexual orientation". Each person is unique and of inestimable value that can not be limited by such a narrow identification. It is noteworthy also that the Human Genome Project has failed to identify a "gay gene".

In contemporary society, there has been an explosion of desires claimed as "rights", without regard as to what impact an implementation of such claims would have on the inalienable rights of others. It would be a grave injustice to suppose that perceived rights of some can be purchased at the cost of violating rights of others. This has been described as "balancing" rights. Such a situation is iniquitous! How can equality be claimed, when "some are more equal than others"?

An imposition of perceived rights relating to "sexual identity" has already resulted in violation of freedom of conscience of others. This is unacceptable, and legislation supporting such a situation should be rescinded. **"The rights of individuals and religious groups to act in accordance with their beliefs free from interference by the government have often been balanced against prohibitions on discrimination in employment based ... Australian Human Rights Commission.**

http://agencysearch.australia.gov.au/search/search.cgi?collection=agencies&profile=humanrights&num_ranks=20&form=custom&scope_disable=off&query=religious+institution+rights&form=custom

As a result of the introduction of a concept of "group rights" some groups have been accorded a privileged status, on a patronising supposition that such groups require protection. In consequence unprivileged groups are becoming marginalised, and deprived of basic rights.

The focus is moving from authentic protection of the disadvantaged to ideologically motivated and aggressive lobby groups, which do not speak for all members of groups which they claim to represent. Extreme radical feminists do not speak for all women, and extreme homosexual activists do not speak for all homosexual persons. Lobbyists having the loudest voice and greatest political clout can override genuine claims of others, with a result that legislation, enforced by like-minded judiciaries, may take policy formulation out of the hands of the sovereign people and its representatives in government. This is deleterious to equality and justice, and can become a threat to democracy.

A study has been conducted in the US of methodology adopted by homosexual lobby activists based on marketing theory, whereby aggressive marketing techniques are used to sell their product in the market place of ideas. Such techniques include exaction pricing, based on the price to be exacted from those unwilling to "buy the product". Such strategy is hammered repeatedly until opposition is worn down, and many have capitulated. Logical debate is not on the table.

http://www.lifeissues.net/writers/rond/shta/shta_01sellinghomosexuality5.html

"With the help of the media, they portray those ... who dare to publicly oppose the gay rights idea as bigots, homophobes, heterosexists, ignorant, hateful, intolerant and so on. They position the accused in the same category as racists, sexists, elitists and other pejorative classes"

The silent majority may remain apathetic under a supposition that legislation for same-sex "marriage" will not affect the rest of the community. Not so! To redefine marriage would completely change the nature of the institution for the entire community, and would have dire consequences for all.

In other countries, which have capitulated, compulsory indoctrination in homosexuality has been introduced into schools, from kindergarten up. Parents are powerless to withdraw their children, who are robbed of their innocence and exposed to psychological damage by being subjected to knowledge of practices of adult sexuality which is totally age inappropriate.

To again quote from the UN Universal Declaration of Human Rights.

Article 26 (3) Parents have a prior right to choose the kind of education that shall be given to their children

This authentic right is now being violated. The rights of parent and child have the same goal -- the nurturing and protection of minor family members by those who love them best. In current discussions of human rights, these rights are being separated, and it is to be noted that references to parental rights are conspicuous by their absence.

So-called "hate speech" legislation is a serious threat to the very basic right to freedom of speech.

This has been imposed in Canada and elsewhere, resulting in prosecution of individuals and censorship of the media to silence those who disagree with the viewpoints of privileged groups. No person can read the mind and heart of another person to determine whether hatred is a motive. Any accusation of judgementalism cannot be made without being judgemental oneself. Tolerance is demanded for one side of a debate, with a dearth of willingness to reciprocate. Instances of blatant intolerance have been evident on the part of some who are most vocal in a call for tolerance, e.g .

<http://www.lifesitenews.com/ldn/2009/may/09051401.html>

A situation in which one side of the debate is given free rein to carry its agenda, and the other side is silenced under threat of prosecution, is a very strange notion of "equality".

To return to the wording of the proposed Bill, which "*seeks to remove all discrimination from the Marriage Act 1961 on the basis of sexuality and gender identity and to permit marriage regardless of sex, sexuality and gender identity.*"

This is a cause for alarm, in that it goes far beyond homosexual unions, and opens a veritable "Pandora's box", concerning a vague and dangerous term of "gender identity". Marriage is to be redefined, not merely as a union of two persons, but of any number of persons of any "sexual orientation" or "gender identity". For now attention is directed to claims of homosexuals, and other claims (which are firmly stated within the wording of the Bill), are kept below the radar. If same-sex "marriage" is approved, claims for all manner of bizarre relationships are waiting in the wings. It is a shameless call for "anything goes!" Clauses in the Bill may be defined according to the whim of future social activists, who may seek to further demolish civilisation as we know it.

Human Rights Commissions internationally, including the Australian Human Rights Commission, <http://www.humanrights.gov.au/genderdiversity/>, are promoting a notion of unlimited "gender diversity". This project suggests that there are not merely two sexes, male and female (which is plain scientific fact) but that gender may be manipulated in accordance with personal preference.

A notion of "gender identity" has already been taken on board in various parts of the world. Recently, under the Obama administration, it is being introduced into the US. In a Senate debate, in the course of discussion of hate crimes legislation, it was stated that the Act would "protect all forms of sexual deviancy listed by the American Psychological Association, to guarantee that Americans, regardless of ... gender identity need not live in fear because of who they are"

A proposed amendment that "the term sexual orientation as used in this Act ... does not include **paedophilia**" was rejected. In consequence this has been described as a "Paedophile Protection Act".

Further a concept of "gender mainstreaming" has been debated in the UN:

http://www.c-fam.org/publications/id.183/pub_detail.asp

We may question "where is the human race headed?"

Civilised society is shaken to its foundations when the natural and fundamental group unit of the family is attacked and weakened. We must not permit such a pivotal institution as marriage be redefined in a way that alters the very fabric of society and the lives of the whole community.