Same-sex Marriage Debate

Edited by Justin Healey
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Volume | 352

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**Same-sex Marriage Debate** is Volume 352 in the ‘Issues in Society’ series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

**KEY ISSUES IN THIS TOPIC**

Same-sex marriages are currently not permitted under Australian federal law. Although same-sex couples in de facto relationships have had most of the legal rights of married couples since July 2009, there is however no national registered partnership or civil union scheme.

Public opinion polls in Australia consistently show majority support for same-sex marriage, yet political and legal opposition to it has stymied a number of recent attempts at state and federal level to legislate for ‘marriage equality’, which would require amending the federal *Marriage Act*.

Should marriage only be between a man and a woman, or are same-sex attracted people being denied the right to have their unions honoured by church and state in a modern society which should recognise long-term commitment in relationships, regardless of sexuality?

What are the social, political, legal and religious considerations in the same-sex marriage debate? A balanced range of opinions from key commentators is presented in this book.

**SOURCES OF INFORMATION**

Titles in the ‘Issues in Society’ series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the ‘Issues in Society’ series lies in its diversity of content and perspectives.

**The content comes from a wide variety of sources and includes:**

- Newspaper reports and opinion pieces
- Website fact sheets
- Magazine and journal articles
- Statistics and surveys
- Government reports
- Literature from special interest groups

**CRITICAL EVALUATION**

As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

**EXPLORING ISSUES**

The ‘Exploring issues’ section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

**FURTHER RESEARCH**

This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The ‘Web links’ section at the back of this book contains a list of useful websites which you can access for more reading on the topic.
Recognition of same-sex relationships

Following the Australian Human Rights Commission’s report, *Same-Sex: Same Entitlements* and an audit of Commonwealth legislation, the Australian Government introduced wide-ranging reforms to ensure that same-sex de facto couples and their families are recognised and have the same entitlements as opposite-sex de facto couples and their families.

**Removing discrimination**


The reforms amended 84 Commonwealth laws to eliminate discrimination against same-sex de facto couples and their families in a wide range of areas, including taxation, superannuation, social security and family assistance, the Pharmaceutical Benefits Scheme Safety Net and the Medicare Safety Net, aged care, veterans’ entitlements, immigration, citizenship, child support and family law.

The reforms came into effect progressively, with all reforms implemented by 1 July 2009.

For more information visit the Attorney-General’s Department website, [www.ag.gov.au](http://www.ag.gov.au)

**Equal treatment**

The 84 Commonwealth laws that removed differential treatment in 2009 resulted in some same-sex couples and their families receiving benefits previously not accessible.

Some examples include:

➤ Partner concession card benefits
➤ Bereavement benefits if a partner dies
➤ Exemption of the family home from the assets test when one partner enters nursing home care and the other partner continues to reside there
➤ Recognition as independent for Youth Allowance if in a same-sex relationship for over 12 months
➤ Lesbian relationships recognised as a qualifying relationship for Widow Allowance
➤ War Widow or widowers pension
➤ Access to the Child Support Scheme
➤ Access to the Pharmaceutical Benefits Scheme and Medicare safety nets as a family
➤ Allowing private sector superannuation trustees to make same-sex couples and their children eligible for reversionary benefits
➤ Enabling reversionary benefits from
Commonwealth (defined benefit) superannuation schemes to be conferred on same-sex partners and the children of same-sex relationships

➤ Tax concessions.

Equal treatment may result in some same-sex couples and their families having the benefits they currently receive reduced to be equal to the benefits received by opposite-sex couples and their families in the same circumstances.

**Social security and family assistance**

From 1 July 2009 changes to social security and family assistance legislation mean that all couples are recognised, regardless of sexual orientation or gender of a partner.

Same-sex couples now receive the same entitlements, are assessed in the same way, and have the same obligations, as opposite-sex couples.

Social security and family assistance payments may be affected depending on individual circumstances and the type of payment received. Most payments are assessed based on the combined income and assets of both partners.

If you are in a same-sex relationship you are required to advise Centrelink or the Family Assistance Office if you are living together, or usually live together, as a member of a same-sex couple. If you fail to do so you may incur a debt and have to repay money.

The Centrelink Financial Information Service (FIS) can also help people prepare for any financial impact of the reforms. FIS is a free service, and an appointment can be made by calling 13 2300.

Centrelink social workers are also available to provide counselling, support and referral services as needed. To speak to a Centrelink social worker call 13 1794.

People who are already experiencing personal financial difficulties, or are concerned that the changes might create personal financial difficulties for them, or their partner, may want to seek advice from an accredited community-based financial counsellor. People can contact a financial counselling organisation direct or can ask a Centrelink social worker to arrange an appointment.

For more information visit the Centrelink or the Family Assistance Office website, [www.humanservices.gov.au](http://www.humanservices.gov.au)

**Child support**

If you are a parent, or non-parent carer, and have children from a previous same-sex relationship you may be eligible for child support.

If you have a child from a previous same-sex relationship you must take reasonable action to obtain child support to get more than the base rate of Family Tax Benefit Part A for that child. If you do not take reasonable action, you may have to repay some of your Family Tax Benefit Part A.

For more information visit the Child Support Agency website, [www.humanservices.gov.au](http://www.humanservices.gov.au)
In all Australian States and Territories, cohabiting same-sex couples are recognised as de facto couples, and have the same rights as cohabiting heterosexual couples under state law. From 1 March 2009 a new section in the Family Law Act 1975 has limited jurisdiction over de facto relationships that have a geographical connection, with a participating State.

State registries in Australia

Same-sex couples also have access to domestic partnership registries in New South Wales, Tasmania and Victoria. Civil partnerships are performed in the Australian Capital Territory. On 30 November 2011 the Queensland State Parliament successfully passed the Civil Partnerships Act 2011 which allows for same-sex couples who are Queensland residents to enter into a civil partnership. This legislation was changed on 21 June 2012 by the “Civil Partnerships and Other Legislation Amendment Bill 2012” to change the name to “registered relationship” and to remove access to State ceremonies for those who do register their relationship in this manner.

Difference in referral of power and recognition of married and de facto relationships

There is an important difference in the source of power of The Commonwealth to legislate over married and de facto relationships. Marriage and ‘matrimonial causes’ are supported by sections 51(xxi) and (xxii) of the Constitution. The legal status of marriage is also internationally recognised whereas the power to legislate for de facts and their financial matters relies on referrals by states to the Commonwealth in accordance with Section 51(xxxvii) of the Australian Constitution, where it states the law shall extend only to States by whose Parliaments the matter is referred, or which afterward adopt the law.

Right to choose unmarried or married legal status consequences outside of Australia

Thus, same-sex or heterosexual, unmarried and also married couples living in The Netherlands, Germany, Belgium and France for example, have the right to choose their own legal status and respective rights and obligations easily, such as to have no community or to have community of property, as an active opt in system at time of first living together. This is in contrast to the Australian de facto and married regimes where all property is in the pool, unless a couple actively opt out with a binding financial contract drawn up by lawyers and they also have to be resident in Australia to do that.

Same-sex marriage not permitted under Australian federal law

Same-sex marriages are currently not permitted under Australian federal law. In 2004 the Marriage Act 1961 was amended in federal parliament to define marriage as a union between a man and a woman and that any existing same-sex marriage from a foreign country is not to be recognised as a marriage in Australia.

In 2004, amendments to the Superannuation Industry Supervision Act to allow tax free payment of superannuation benefits to be made to the surviving partner in an interdependent relationship that included same-sex couples, or a relationship where one person was financially dependent on another person. Further initiatives were also tabled by the Howard Liberal government.

The subsequent Labor Government continued some of this progress in November 2008, when the Australian Parliament passed laws that recognised same-sex couples in federal law, offering them the same rights as unmarried heterosexual couples in areas such as taxation, social security and health, aged care and employment. This means that same-sex couples who can prove they are in a de facto relationship have most of the rights of married couples since 1 July 2009. Nevertheless, despite equality of rights, Australia does not have a national registered partnership or civil union scheme.
In August 2009, a same-sex marriage bill was introduced by a member of the Australian Greens who pleaded with the government to take into mind that the majority of Australians support same-sex marriage and thereby pass such legislation. The bill was reviewed by the Senate Legal and Constitutional Affairs Committee. The largest protests for same-sex marriage in the nation’s history took place in eight cities on 1 August, with an estimated 8,000 people attending. The Committee reported not to vote the bill. On 25 February 2010, the Marriage Equality Bill 2009 did not pass in the Australian Senate by a vote of 45-5, with only the Greens voting in favour and many senators not in attendance. However, the Greens announced their intention to reintroduce a bill to legalise same-sex marriage after the 21 August 2010 federal election.

In 2011, the federal Labor Party changed its party platform in support of legalising same-sex marriage while also allowing its members a conscience vote on the issue. However, the Liberal/National opposition did not allow a conscience vote, so the bill could not gain a parliamentary majority. Public support was widespread at the time, with polls showing three quarters of Liberal/National voters backed a conscience vote.

In February 2012 two bills to allow gay marriage in Australia were introduced in Parliament. The bills were essentially the same, lifting the current ban on same-sex marriages while letting religious ministers refuse to solemnise ceremonies inconsistent with their beliefs. Both bills that would have lifted the current ban were subsequently defeated in both houses in September, 2012.

The Inquiry into the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012 involved an online survey, which received 276,437 responses, the largest response ever received by a Committee of the House of Representatives. 177,663 respondents were in favour of changing the law to recognise same-sex marriage, 98,164 were opposed to it, and 610 were unsure.

REFERENCES
11. ‘Turnbull backs conscience vote on gay marriage’, 6 November 2011, ABC News online.


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Public opinion polls on same-sex marriage

Polls in recent years suggest growing support for same-sex marriage in Australia, according to this compilation of findings from online encyclopedia Wikipedia.

In June 2004, a survey conducted by Newspoll showed that 38% of respondents supported same-sex marriage, with 44% opposed and 18% undecided.

In June 2007, a Galaxy Poll conducted for advocacy group GetUp! measured the opinions of 1,100 Australians aged 16 and over.110

➤ 57% of respondents supported same-sex marriage with 37% opposed and 6% undecided.110
➤ 71% of respondents supported same-sex couples having the same legal entitlements as opposite-sex de facto couples.111

In June 2009, a Galaxy Poll commissioned by Australian Marriage Equality measured the opinions of 1,100 Australians aged 16 and over.112

➤ 60% of respondents supported the recognition of same-sex marriage, with 36% opposed and 4% undecided. Support was highest amongst those respondents who were intending to vote for the Australian Greens (82%) and who were aged 16-24 (74%). The majority of respondents from each State and each age bracket (except for the 50 and above category with 45% of respondents) were in support.112
➤ 58% of respondents supported the recognition of foreign same-sex marriages in Australia, with 36% opposed and 5% undecided. Support was highest amongst those respondents who were intending to vote for the Australian Greens (74%) and who were aged 16-24 (73%). The majority of respondents from each State and each age bracket (except for the 50 and over category with 43% of respondents) were in support.112

In September 2009, Morgan measured the support for a number of positions relating to same-sex marriage, with 33% opposed and 5% undecided.113

In July 2011 a survey of 543 people conducted by Roy Morgan measured the support for a number of positions on marriage.111
➤ 68% of Australians support same-sex marriage
➤ 78% classify marriage as a ‘necessary’ institution, with only 22% opposing.

In a late November 2011 Galaxy Poll of over 1,000 voters, 80 per cent wanted Tony Abbott to allow the Liberal/National Coalition to participate in Labor’s same-sex marriage conscience vote, and that 76 per cent of Coalition voters wanted a same-sex marriage conscience vote.114

In a February 2012 online poll of 1,506 Australian adult members on the Nine Rewards website by Angus Reid Public Opinion, 49 per cent of Australians said same-sex couples should be allowed to legally marry, 31 per cent said they should be allowed to form civil unions, but not marry, and 14 per cent said they should not have any kind of legal recognition. (The margin of error was +/- 2.5%).115 No attempt was made to make the survey representative of the entire population, and the Nine Rewards website is associated with the Nine Network, an Australian television channel popular with older and more conservative viewers.

In early 2012 the House of Representatives conducted an online survey to provide a simple means for the public to voice their views on same-sex marriage and two bills which sought to legalise it, the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012.116 The survey closed on April 20, having received approximately 276,000 responses, including about 213,500 comments.117 Of these responses, it was reported that 64.3% supported same-sex marriage, or approximately 177,600 people. The report acknowledged that “The online survey was not a statistically valid, random poll. Respondents were self-selected, in that they chose to participate if they wished.”118

REFERENCES
112. www.australianmarriageequality.com/Galaxy201010.pdf
113. www.australianmarriageequality.com/Galaxy201010.pdf
114. ‘Abbott comes under pressure to allow same-sex marriage conscience vote’, The Australian, 5 December 2011.

GOVERNMENT INQUIRY INTO SAME-SEX MARRIAGE – SURVEY RESPONSES

A summary of responses from an online survey of over a quarter of a million Australians, conducted by the House of Representatives during its Inquiry into the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012

The survey has revealed almost two thirds of respondents support the introduction of same-sex marriage after an unprecedented number of people took part.

The survey closed at midnight on Friday 20 April 2012. Please note that the online survey is not a statistically significant survey. There is an insignificant rate of duplication (duplicate email address, multiple responses from the same IP address, invalid email addresses) of approximately 4.4% (3.6% for ‘agree’ responses and 0.8% for ‘disagree’ responses).

On the online survey, 213,524 people provided comments on the reasons for their answers, and 86,991 people provided comments on the legal implications of the bills.

In addition to the survey, comments on the bills have also been received from 2,353 people by email and post.

A small selection of these comments is provided below:

- It is in our society’s best interests to foster and support loving, committed relationships.
- Human relationships are not determined by sex or biology, but by the quality of the love, trust and care between the participants and their commitment to each other.

I believe that marriage, as an institution in Australia, is about recognising couples’ relationships in the eyes of the state, society, friends and family.

One of the primary reasons for the development of the institution of marriage was to ensure social and economic security by applying formal recognition and thus mutual responsibilities to relationships.

Marriage is a social contract between two adults. In our society it isn’t just a religious contract, with it comes duties, obligations, and benefits between the two parties. Our laws recognise the unique nature of this status and bestow special conditions on this relationship.

Legal and community recognition that a committed relationship between two people (whether opposite or same sex) is important to me. Relationships are important in our society as support for one another is required to live life.

In Australia marriage is the main way that we as a society recognise the importance of relationships.

Making a commitment to a relationship is important and marriage is one way of formalising that commitment.

Marriage is a special relationship between a man and a woman for the raising of children in an environment where both genders are represented. A different recognition of same-sex couples seems more appropriate than redefining a relationship which has been the basis of our society for centuries.

In my opinion, marriage is the union between two parties that choose to spend the rest of their lives together.

Gay people are already forming life-long relationships and having children together. They are in all points of substance no different to straight couples. They (and their children) deserve the same legal recognition and protection that marriage provides to straight families.

Marriage is the fundamental basis of family, and thus of society. Marriage allows children to have relationships with their biological parents, and for biological parents to have relationships with their children.

Marriage is a legal construct legally recognising a relationship between two people. By any objective measure, a same-sex relationship has all the same qualities of an opposite-sex relationship.

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<thead>
<tr>
<th>THE FINAL RESPONSES ARE AS FOLLOWS</th>
<th>AGREE</th>
<th>DISAGREE</th>
<th>NOT SURE</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>The law should be changed to legalise same sex marriages in Australia</td>
<td>177,663</td>
<td>98,164</td>
<td>610</td>
<td>276,437</td>
</tr>
<tr>
<td>Authorised celebrants, being ministers of religion, should not be obliged to perform same sex marriages. (Note: authorised celebrants, being ministers of religion, are not currently obliged to perform any marriage)</td>
<td>214,399</td>
<td>37,252</td>
<td>24,786</td>
<td>276,437</td>
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<td>Same sex marriages performed in foreign countries should be recognised in Australia</td>
<td>177,035</td>
<td>94,449</td>
<td>4,953</td>
<td>276,437</td>
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<table>
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<tr>
<th>SUPPORT</th>
<th>DON’T SUPPORT</th>
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<tr>
<td>Marriage Equality Amendment Bill 2012 (Mr Bandt)</td>
<td>64.0%</td>
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<tr>
<td>Marriage Amendment Bill 2012 (Mr Jones)</td>
<td>60.5%</td>
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The rest of their lives, then they should have the same rights as everyone else.

At present, a large fraction of our society is excluded access to the legal rights and privileges of marriage. This is morally wrong, socially destructive, and potentially devastating for those affected.

All consenting adults should have access to the institution of marriage, with the consenting adult of their choice. To only allow marriage between opposite sexes is discrimination based on sexual orientation, and thus is not equal rights.

Families with same-sex parents deserve the same social, legal and religious protections offered to them that other families have access to, something that only marriage equality can provide.

Recognising same-sex marriages is about saying that Australia recognises all types of families and relationships and does not discriminate based on sexual preference. This is how I want Australia to be viewed by others and how Australians should view each other.

Marriage is the foundation of a loving and stable relationship, and should be available to all Australians who wish to celebrate it.

I support the Marriage Equality Amendment Bill 2012 over the Marriage Amendment Bill 2012 as the former is a more inclusive, complete version of the legislation. Discrimination on the basis of sex and sexual orientation is prohibited in other acts, and should therefore be removed from the Marriage Act. The current situation of disallowing same-sex marriage in a society where discrimination is prohibited is a case of everyone is equal, but some are less equal than others.

Our life is like that of many other Australian families. We enjoy planning (and going on) family holidays, we attend our local Catholic Church on Sundays. All-in-all we lead a pretty boring life. One thing that we would like to do, but can’t, is to marry. We want our children to grow up knowing that their parents have the same rights as everyone else. This is not a dangerous or radical proposition. After all, the desire to fall in love and grow old with someone is not restricted to heterosexuals.

Marriage has always meant the union of one man and one woman for life. This is the nucleus of family which is the foundation of our society. It is essential that the sanctity of this definition and this union is safeguarded now and into the future.

There are many different kinds of relationships in our society, each with their own purpose, and I believe we should honour traditional marriage for what it is.

Marriage is a sacred union between a man and a woman. If homosexual people wish to have a union, it should be called something different.

Marriage is deeply valued by a large proportion of the population for cultural and religious reasons and this should be respected.

Marriage is a religious act not a legal act and therefore politics should not be making laws to influence any religion to change their beliefs. Marriage by definition is the joining of a man and a woman into a holy union.

I believe that it is the best interest of Australian families if we used God’s standard as the guide for morality and not public opinion. We have seen how moving away from God’s standard has resulted in a decay of the family unit. I therefore do not support legalising gay marriage.

The definition of marriage being between a man and a wife cannot be amended to include same-sex couples. If same-sex marriage was to be legalised, society will break down.

I believe in the biblical definition of marriage, being for one man and one woman. I don’t think the definition of marriage can be, or should be expanded.

There will be ramifications for the way in which ‘marriage’ is viewed for heterosexual couples.

The definition of ‘marriage’ is the union of a man and a woman. This doesn’t contain any ‘moral’ considerations, that’s just the definition.
I believe marriage is between a man and a woman and therefore the sanctity of this must be protected. As a society we need traditions and firm foundations to build on.

Marriage is an ancient convention that provides a formalised arrangement for a relationship of love and nurture with a primary goal of providing a healthy and stable environment for the raising of children.

Marriage is not simply a loving, committed relationship between two people, but a unique kind of physical and emotional union which is open to the possibility of new life. It is not a discrimination against homosexual couples to uphold marriage as being between a man and a woman. Marriage and same-sex unions are essentially different realities.

Marriage has always meant the union of difference, leading to the issue and raising of children, and this does not naturally follow from a gay union. I oppose the redefining of marriage, as it will destroy the very nature of that relationship.

My partner and I have been together now for 17 years. As far as we, our family and friends are concerned, we are married. We both contribute to our local community and have careers in the private and government sectors. We pay tax and have a mortgage, too but the best we can be offered, as far as our relationship status is concerned, is ‘de facto’. It feels like a second rate concession when our contribution is first rate.

I have been with my boyfriend for 4 years and we love each other dearly. One day I would like to get married, but it is sad if my love is deemed inferior because of arbitrary reasons.

As a 23-year-old individual I have grown up with an acceptance that same-sex relationships are normal and legitimate in every sense. I honestly believe there is a large generational gap and by bringing in this legislation it will help to begin to reduce this.

I would like to support my daughter in her quest to marry, and have that marriage formally recognised with her long time partner. I have been married to my wife for more than thirty years.

If they pass, it’ll mean that my partner and I can finally get married, after 12 years. There’ll be a narrative and language that people can understand and get their heads around. Our family will gradually become safer as society is led by legislation to understand that we should be treated equally.

I have been in a same-sex relationship for 32 years and cannot understand why after all these years there is still not recognised equality for persons in same sex relationships.

Changing the law to enable me to marry my same-sex partner will mean that we will be able to seek equal treatment in our public lives. For example, my partner’s employer (UN) will recognise our 30 year relationship fully if our country recognises our marriage. This will include health care, leave and moving arrangements and superannuation.

My little sister is a lesbian. Ever since she told me, I never want to see my sister upset again if I can help her get through it. The thought of her not being able to get married is unjust and unconstitutional. Please stop this inequality and recognise that we are all people just trying to do the best we can in this world, with the little time we have. Please make it is easier for my sister to live in this society without inequality and discrimination based on sexual orientation.

I am Australian. I am a daughter. I am a sister. I am a niece. I am a cousin. I am a friend. I am a university graduate. I am a teacher. I am a partner. I am in love. I am … not allowed to legally marry. I want to watch my partner grow old and get wrinkles. I want to share my adventure called life with her. I want to experience together the overwhelming joy of childbirth and raise children in a loving family home. I want to walk down the aisle in a beautiful white dress just like every little girl dreams of. I love being Australian. I love Australia. I am proud of where I come from and how fortunate we are. I would love if Australia felt the same way about me. I am no different from your own sister, daughter, niece, cousin or friend … how would you feel if the country they loved did not allow for them to get married? Let me help with that answer … it hurts.

As a gay woman who grew up dreaming of her big white dress wedding day it breaks my heart to be almost 30 and facing a future where I can not marry the love of my life as should be my right, as should be anyone’s right.

I am an 18 year old female and although my sexual orientation is different to others, I still grew up imagining myself walking down the aisle with the person I love. I still dream of that one, perfect day which I can share with my friends and family. The education system within Australia teaches us to be independent, strong and accepting yet why is the homosexual community discriminated and restricted by the current laws? I believe that everyone should have the right to marry anyone they wish to, and I believe that the government needs to take a step forward in their growth to legalise same-sex marriage.

I have been married to the woman I love for 55 years and we are both Christians. We believe that same-sex marriages should be permitted because they imply fidelity, love and happiness.

I have been married for 48 years, and can see no reason why any couple who wish to make such a commitment should not be able to do so.

I believe in equality. I have been married for 50 years and have two children so I have no personal axe to grind. Marriage is about love and commitment and doesn’t only apply to heterosexual people. Some people think that marriage is about children but lots of people get married without any intention of having children. And quite a lot of heterosexual people should never have children.

As a gay man, a Catholic man, a man from a cultural minority, and a registered psychologist – I know very well the implications of both sides of the debate. It has been my experience that prevention of same-sex marriage, and lack of recognition of same-sex marriage performed in foreign countries, perpetuates gay
people’s experience of segregation and discrimination. ANYTHING we can do as a community to send the message that we are equal goes some way to undo and prevent further damage.

My experience growing up as a straight male in a highly Christian environment, both at school and at home has taught me that love is the greatest thing two people may share. Love is greater than gender and anyone should have the chance to express this in a way that is recognised by a country as great as Australia.

I was raised in a Mormon (LDS) family and for a long time I believed I had the blueprint for life, happiness and could speak to the rules god had laid out for us. I came to realise that no one has a right to control another’s life so long as they aren’t hurting anyone else. Beyond that I realised how self-righteous I was to think I was better than someone else just because I happen to love to opposite sex. I’ve since formed amazing friendships with LGTBI people and those connections will last for life. I’ve met some of the most loving, sincere people who are now considered part of my family. They raise families and their children deserve the same rights as other kids – to have their parents marry if they want to and to know they are recognised as a family unit.

I believe that permitting same-sex marriage in Australia will cause more harm than good. Giving 4000 gay couples in Australia happiness by allowing this bill to pass, does not outweigh the outrage that the religious and independent belief organisations will have. I myself believe that gay couples should be allowed to get married, but from a utilitarian point of view, this would cause more harm than good. P.S. I am 15 years old.

My wife and I have been married for 37 years this year and believe that marriage must be recognised as only between a man and a woman. This relationship is the best structure for the family unit and society.

We have been married for 51 years and have four children and 11 grand children. The proposed law changes would downgrade our marriage to the level of the union of two homosexuals.

I am strenuously opposed to same-sex marriage as this notion goes against the laws of nature, traditional culture and religion. Having been married to my wife for 40 years, I find it repulsive and insulting that the people supporting this notion are trying to push this legislation through. If same-sex couples wish to live together that is none of my business and I would not discriminate against them in any way. However, I feel that the people trying to legalise same-sex marriage are trying to gate crash our sacred institution of marriage between a man and a woman.

I do not agree that a same sex union is an equivalent relationship to a marriage between a man and a woman. I have been married for nearly 30 years and raised five children to adulthood with my wife. I think maybe without intending this bill demeans the specialness of the relationship which has so defined my life by making it one of a number of ‘valid’ expressions of human relationship. Find other ways to deal with same-sex and de facto relationships but don’t make them equivalent to marriage with the stroke of a pen.

I have been married for nearly 20 years now. I entered into marriage for life, to the woman I still love. Our wedding was conducted in accordance with the laws of the Commonwealth of Australia witnessed by our family, friends and our God. I do not want my marriage to stand for anything other than what we entered into 20 years ago. Please do not change the laws to make marriage something different for whom marriage works now.

Australian religious groups including Christians and indeed non-religious groups identify with the definition of marriage as relating to a male and female. They have the right to claim the maintenance of a long established sacred covenant that is held dear by people, not only locally but also globally. I have been married for 36 years and I do expect the legal relationship I entered into maintains the original definition.

I have been married for 37 years and I would feel very disappointed if our government were to change the definition of marriage. This would mean a lot of married couples who are opposed to same-sex marriage would be just put into some category that is not what they took a vow to. Where does this leave them?

I work in the area of child protection and so some of the reasoning is based on my experience working with broken families and the effects on children. I have seen many varied family groups and my conclusions are that even though it may not be perfect, children thrive best when they have both a male and female parent.

Because of my Christian beliefs which are strongly held, I believe that marriage should be between a man and woman as it is the natural way to build a stable society.

It is my belief that a marriage should only be between a man and a woman, based not only on my religious beliefs, but also on my experiences in interacting with both same-sex and traditional couples. It is my belief that marriages are lasting unions, and allowing same-sex couples to get married would delegitimise the sacred union of marriage, as there may be higher chances for divorce.

I have had the privilege of working as an accredited welfare worker, church pastor, marriage celebrant and counsellor over a 46-year period. During that time I experienced living and working with people from different backgrounds, cultures and beliefs, and one thing stood out, the primacy of the marriage between a man and a woman and the importance of the family unit as the building block for a healthy society. The current description in law has it right.
Marriage is a special relationship between one man and one woman. It holds religious significance to many people, including my family and this should be respected. I worry that redefining marriage could change my religious freedom. Families are built on marriage and society built on strong family life. Research has shown that a child with a married, biological mother and father does best. I believe that this is the model we should aim for in society.

Although you are elected as my representative I do not give you the power to change elements of my life and of the world that are far beyond the purview of any government.

My rights as a ‘married’ person are being ridiculed by the selfishness of homosexual couples. I took my marriage vows very seriously indeed – they are personal and meaningful in a relationship between a male and female. Find another word and you might be surprised at the support you get.

Marriage is essential to strong, stable family units, which in turn are essential in protecting the stability of our society. (Even some in favour of same-sex marriage have acknowledged this fact and try to use it to further their own position!)

Stable families create a stable society.

The government should support the marriage of two people that wish to create a family unit. This will result in a more stable family unit without prejudice.

Marriage is the foundation of family which in turn is the foundation of society.

As Australian citizens it is our firm belief that the social fabric of this wonderful country of ours is held together by the foundation of the family, underpinned by marriage.

I have felt privileged to interact with people from such a diverse range of family backgrounds, who have shown me firsthand that families don't all have to look the same to share in the same love and positivity I believe we all value and want for our families.

I have grave concerns for the concept of family and the long term legal, moral and social implications of this legislation.

The values and traditions surrounding marriage in Australia are applicable to all citizens regardless of their sexuality – love, respect, companionship and family.

To me the criteria for a committed long term marriage is love, respect and a conscious commitment to support each other through life. To me this commitment has nothing to do with a person's sexual preference or orientation.

Who are we to decide who has the most committed relationship or fits the modern definition of family?

[My photos of same-sex couples who have been together for more than 8.7 years include] people of different religions – so far I have taken photos in a Buddhist temple, a Jewish synagogue and a Church. And many others who are committed to their religion and spirituality.

Our culture is based on the Christian religion and God loves both men and women.

Marriage is deeply held by a large proportion of the population for cultural and religious reasons.

Marriage regulation should not be the exclusive right of religious groups. I am a religious person, and had a church marriage, but I believe those of other persuasions should also have the right to publicly affirm their commitment to another person.

Marriage should be a civil right in Australia for all who choose it. Religion is a choice and people should be free to follow the religious teachings of their choice it has nothing to do with a person's right to marriage.

Marriage has always been defined by our society and by the religions of many of our citizens and their ancestors as between a man and a woman.

I believe that marriage is a covenant relationship that is recognised according to Christian beliefs and values.

In a country that holds separation of church and state in high regard, and wishes to maintain a respectful position on human rights, there is no reason to treat same-sex couples as inferior citizens.

On religious grounds, I believe that a same-sex union should not be called a marriage.

All Australian citizens should be treated equally – no matter what race, religion, colour or sexual orientation.

Same-sex couples already have all [the] rights of a married couple enshrined in law and this is equitable and just.

Our values as a country are based on acceptance and a “fair go”.

I believe that same-sex relationships already have adequate recognition under current laws, and that same-sex couples already have the same legal rights as de facto couples and married couples. There is no reason to change the definition of marriage from what it has always been.

Australians have come from all creeds, classes and cultures. We are a country that prides ourselves on a fair go, which is another way of saying an equal opportunity for all.

Marriage equality is about human rights. Same-sex couples should have the same right to marry as other couples. And besides, I think everyone has forgotten, this is just about love. And commitment.

I believe that same-sex couples in committed relationships deserve the same legal rights as de facto or married couples, however I object to it being marriage.

All people should be treated equally before the law.

If it is true that the same legal rights are provided to same-sex couples as they are to married couples then the argument is over the definition of a term. I see no reason to redefine a long-standing term.

All Australians deserve equal rights to love, marriage and family.

Why would marriage not be for all?


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Same-sex Marriage Debate
The battle over same-sex marriage is perhaps the most momentous and far-reaching debate we face at the moment. There is very much at stake in this attempt to redefine marriage out of existence. It is a social shift which is of seismic proportions. Bill Muehlenberg offers eight reasons for resisting same-sex marriage.

The truth is, there has been a huge debate amongst homosexuals over the question of homosexual marriage. Some are in favour, some are opposed, and there are many options in between.

Plenty of leading homosexuals have made clear their disdain of marriage. As one said: “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.”

Or as another admitted: “[F]ull recognition for same-sex marriages will encourage all those shallow promiscuous gay men to settle down in Box Hill with Mr Right and breed Shitzus.

Studies have shown that only around 4 per cent of Dutch homosexuals have gotten married during the first 5 years of legalisation.

Speaking as a shallow promiscuous gay man, I remain sceptical about this. Straight men, it seems, are quite shameless in their perverted desires, and in their enthusiasm for illicit sex of all kinds. And this after 2,000 years of the civilising influence of Christian marriage! On the evidence so far, I think it will take more than the Ontario Supreme Court [and its support of same-sex marriage] to get the majority of gay men to get married and settle down.

Perhaps the best way to see just how desirable same-sex marriage is, is to see how many homosexuals have actually availed themselves of it when it has been available. Consider The Netherlands where same-sex marriage has been legal since 2001. Studies have shown that only around four per cent of Dutch homosexuals have gotten married during the first five years of legalisation.

The activists have made it perfectly clear that they intend to radically expand and alter the common understanding of marriage. Long-term monogamous fidelity is seldom part of this new understanding.

One leading homosexual 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. Of course that undermines the very essence of marriage, which is the covenant of life-long sexual faithfulness.

Another says that he does not want to be like straights, nor embrace their marriage: “We get equality, but at a price. The cost to our community is the surrender of our unique, distinctive queer identity. The unwritten social contract at the heart of law reform is that lesbians and gays will behave respectably and comply with the heterosexual moral agenda. No more cruising, orgies or sadomasochism!”

And in countries where SSM has been legalised, a very discernable negative spill-on effect has been noticed. Marriage as an institution suffers when these counterfeits are allowed to come along and claim to be on a par with marriage. Many of the Scandinavian countries for example offer us a mountain of evidence in this regard.

Monogamy is not part of the equation

Both the data on homosexual monogamy, as well as their own words, makes it clear that the idea of one partner for life is seldom desired. It is the exception to the rule. Consider just a tiny fraction of the data. One major Australian study found that 26 per cent of homosexual men had 21 to 100 partners in a lifetime; nearly 41 per cent had 101 to 1,000 partners; and 17 per cent had over 1,000 partners.

Another major study reported similar findings. It found that 43 per cent of male homosexuals had engaged in sex with 2 to 10 partners in the previous six months; 21 per cent had engaged in sex with 11 to 50 partners in the last six months; and 5 per cent had engaged in sex with more than 50 partners in the past six months.

And the more honest homosexuals are quite happy to concede this point, and even affirm it. Two American homosexual activists proudly state that “the cheating ratio of ‘married’ gay males, given enough time, approaches...
Men are, after all, as said earlier, more easily aroused than women, who tend to act as a relatively stabilising influence; a restless gay man is more apt to be led astray by a cute face in the subway or the supermarket. Two gay men are double trouble, arithmetically squaring the probability of the fatal affairette.”

One former homosexual explains why concepts such as ‘monogamy’ must be redefined by homosexuals: “In the gay life, fidelity is almost impossible. Since part of the compulsion of homosexuality seems to be a need on the part of the homophile to ‘absorb’ masculinity from his sexual partners, he must be constantly on the lookout for [new partners]. Consequently the most successful homophile ‘marriages’ are those where there is an arrangement between the two to have affairs on the side while maintaining the semblance of permanence in their living arrangement.”

As one Australian homosexual admitted, “monogamy is not a realistic choice for many of us ... we don’t find one partner sufficiently fulfilling. People who argue that there would be no problem if all gay men would just be monogamous are ignoring both medical and emotional realities; with an unknown number of people already exposed to ‘the virus’ and an unknown incubation period, such advice is just too restrictive.”

Four. High-risk lifestyles should not be given official endorsement

Countless studies have documented the high-risk and unhealthy nature of the homosexual lifestyle. So why should governments be endorsing and promoting such activity? Various studies show that homosexuals account for the majority of new cases of sexually transmitted diseases.

For example, a male homosexual is 14 times more likely to have syphilis than a male heterosexual, and eight times more likely to have hepatitis. And of course HIV/AIDS remains an overwhelmingly homosexual disease in Australia, with the overwhelming number of cases due to male homosexual activity, or intravenous drug use.

But don’t take my word for it. Consider what the Gay and Lesbian Medical Association (GLMA) have said about this. They have issued two publications warning of the health risks associated with both homosexual and lesbian lifestyles. Each one lists ten major areas of concern.

If homosexual marriage were to be legalised here, it would be one of the final nails in the coffin of heterosexual marriage and family.

As to male homosexuals, the GLMA says that they have “an increased risk of HIV infection” and have “an increased risk of sexually transmitted infection with the viruses that cause the serious condition of the liver known as hepatitis”. Also, they “use substances at a higher rate than the general population” and “depression and anxiety appear to affect gay men at a higher rate than in the general population”. It also says that “gay men have higher rates of alcohol dependence and abuse than straight men” and that “gay men use tobacco at much higher rates than straight men”.

Five. Everything will change

Legalising SSM is not a small, inconsequential move. It changes everything. If homosexual marriage were to be legalised here, it would be one of the final nails in the coffin of heterosexual marriage and family. We only have to go to those countries or states which have legalised SSM. The radical ramifications for everyone else are clear to see.

The American state of Massachusetts legalised SSM in 2004, and it has been all downhill there ever since. So much negative fallout from this has occurred that I cannot even begin to document it here.

The best way to see what horrors have befallen the people of Massachusetts is to see this incredible document: ➤➤ www.massresistance.org/docs/marriage/effects_of_ssm.html

And all those who have objections to this lifestyle or this new version of marriage will be forced nonetheless to acquiesce and embrace these things, even if it means going against one’s conscience or one’s faith.

Consider just a few recent headlines on this:
➤➤ ‘Canadian Court: Marriage officials must marry homosexuals’
➤➤ ‘Army: court-martial Chaplains for ‘religious, conscience’ objection to homosexuality’
Six. It will unleash the slippery slope

Clearly, the very same arguments used for legalising SSM 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?

Logically, one could argue for all sorts of combinations and permutations if we swallow the idea that same-sex couples have a right to marry. What about a bisexual who really does love both a man and a woman? Cannot this threesome qualify? The truth is, all boundaries are smashed when we redefine marriage.

One very obvious example of this is polyamory (group marriage). In fact, it 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.

And it is remarkable how the polyamory and polygamy advocates are simply latching on to and extending the very arguments made by advocates of same-sex marriage. They are rightly saying that if same-sex marriage is legalised, then certainly group marriage must be legalised as well.

Consider how one Australian university academic makes the case for polyamory in an article entitled, ’Poly is the new gay’. She makes it clear that just as society has welcomed homosexuality and same-sex marriage, it is now time to welcome polyamory. This is how she puts it: “The more aware and accepting of diversity in relationships the more healthy our society is … I look forward to a society where any loving family, irrespective of how many people it includes or what sex they are, feels safe to be open about who they are.”

Opening the door to SSM will of necessity lead to all these other radical sexual combinations as well.
be used as a political football by the homosexual lobby in their efforts to seek legitimacy for their lifestyle. For the sake of our children, we should not be embracing homosexual adoption and SSM.

As one leading international authority has boldly asserted: “In three decades of work as a social scientist, I know of few other bodies of data in which the weight of evidence is so decisively on one side of the issue: on the whole, for children, two-parent families are preferable to single-parent families and step-families [and by logical implication, homosexual families as well]. If our prevailing views on family structure hinged solely on scholarly evidence, the current debate would never have arisen in the first place.”

"Including homosexuals within marriage would be a means of conferring the highest form of social approval imaginable."

Eight. This is just part of a bigger radical agenda

Why is homosexual marriage even wanted? Just why is it that some homosexuals are so insistent on marriage rights? 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 homosexuals, full adoption rights, homosexuals will have achieved their longstanding goal: legitimising the homosexual lifestyle.

As even Time magazine admitted, in an article on same-sex marriage, the real goal is complete social acceptance and validation: “Ultimately, of course, the battle for gay marriage has always been about more than winning the second-driver discount at the Avis counter.” In fact, the individual who has done most to push same-sex marriage – a brilliant 43-year-old lawyer-activist named Evan Wolfson – doesn’t even have a boyfriend. He and the others who brought the marriage lawsuits of the past decade want nothing less than full social equality, total validation – not just the right to inherit a mother-in-law’s Cadillac.

As Andrew Sullivan, the (also persistently single) intellectual force behind gay marriage, has written, “including homosexuals within marriage would be a means of conferring the highest form of social approval imaginable.”

One leading Australian homosexual activist puts it this way: “The argument is quite simple: marriage is the ultimate legitimation of equality, according same-sex relationships the same status as heterosexual ones. Essentially this is a symbolic claim, for there is a whole raft of ways in which the state regulates relationships outside formal marriage.”

Indeed, the bottom line of all homosexual activism is ultimately just that: complete social acceptance and approval. As some American activists put it back in 1989, “to gain straight tolerance and acceptance is not just a legitimate goal of gay activism, it must be the principal goal.”

In sum, same-sex marriage is a bad idea. It is bad for society, bad for marriage, and bad for children. The concept is oxymoronic, and it confers no benefits to society. Indeed, as shown above, it will in fact be harmful to society. As David Coolidge summarises:

“If one believes that a good society requires a critical mass of healthy male-female marriages with children, then any policies that redefine, and thereby weaken, that basic unit are a bad idea. I believe that same-sex marriage is a bad idea, not because same-sex couples are bad people, but because same-sex marriage is not marriage. A genuinely pluralistic society must do justice to individuals. But it must also do justice to marriage.”

Note: As I said, all of the references and complete documentation for the above material can be found in my new book, Strained Relations.
The day we cut marriage adrift from the rock of nature, from the mammalian order of male-female-young, is the day we lose any fundamental reason to deny “marriage equality” to any consenting adults, whether polyamorous or incestuous. And that way madness lies, argues David van Gend.

Daniel Brennan, former chairman of the Bar Association in Britain, wrote in March: “After all, if you can abolish the most important precondition of marriage, namely that it requires a person of each sex, why should you be able to retain other preconditions, such as limiting it to only two people? In The Netherlands, where same-sex marriage was introduced in 2001, ‘cohabitation agreements’ have been used to give three-way relationships a measure of legal recognition.”

Nearer home, James Dominguez of Bisexual Alliance Victoria prefers four-way relationships. He told The Australian (21/5): “Some time in the distant future we should look at the idea of plural marriage”. In the immediate present, he lives in a bisexual polyamorous foursome, awaiting true “marriage equality” for groups of loving adults.

The pseudo-marriage of a gay civil partnership chips away at the meaning of the thing it mimics and prepares the public mind for full homosexual marriage.

Gay activist Rodney Croome chooses to close his eyes to both Dominguez and the Dutch, writing in these pages (28/5): “In none of the foreign countries that have allowed same-sex couples to marry has there been a slippery slide to multiple-partner marriage” and “There is no organised push for multiple-partner marriage, including from those people who are in polyamorous relationships”. On the contrary, the logic of homosexual marriage will work its slippery way through our culture, expanding into any permutation of consenting adults. Because if “equal love” trump gender, it also trumps number.

Another taboo will fall before the inexorable logic of “equal love”. In April, an incestuous relationship came to the European Court of Human Rights. Patrick Stuebing from Leipzig argued that he and his sister had the right to a “family life”. The case had inspired calls to legalise familial sexual relations. The ECHR refused, saying it was necessary for “the protection of marriage and the family” to punish incestuous relationships. But how long will courts uphold this quaint notion of “the protection of marriage and the family” once “homosexual marriage” has breached the levee of sexual taboo that alone protects the natural order of marriage and family?

In the second half of this year, federal parliament will probably step back from the brink of homosexual marriage. The risk then is that the desire to compromise will make MPs sympathetic to the alternative proposal of homosexual “civil partnerships”. But if it is wrong to take a sledgehammer to marriage, surely it is still wrong to deface it with a chisel? The pseudo-marriage of a gay civil partnership still chips away at the meaning of the thing it mimics and, as we observe overseas, prepares the public mind for full homosexual marriage.

Civil partnerships are part of the death of a thousand legislative cuts inflicted on marriage; others include giving marriage’s core “right to found a family” to single women on IVF or same-sex men using surrogacy. Such counterfeits usurp either the form...
or the substance of “marriage and family” and must be reversed.

For example, in Queensland under Labor’s Civil Partnership Act 2011, two men can sign up at the Marriage Registry, issue the “bans” and organise a state-licensed celebrant for a public ceremony complete with rings and confetti and the March from Lohengrin. Then under Labor’s Surrogacy Act 2010 the two men can create a baby of their very own, and the Registrar of Births, Deaths and Marriages will officially falsify the birth certificate to record the names of the two males as “parents”, with no mention of any mother.

Against this parody, serious politicians must assert one unifying policy: that no law shall be enacted or allowed to stand which tends in any way to diminish the ideal of “a mother and a father for every child”. Such a policy will exclude the artificial creation of babies by single people or same-sex couples and exclude any same-sex institution that mimics marriage.

Is that policy consistent with civil respect for same-sex couples? Frank Brennan, a former chairman of the National Human Rights Consultation Committee, writes: “I think we can ensure non-discrimination against same-sex couples while maintaining a commitment to children of future generations.”

Commitment to children of future generations requires that we discriminate, justly, between two quite distinct social projects: the widespread public task of marriage-and-family, and the rare private commitment of gay partnerships. The number of same-sex couples in Australia is indeed very small, involving only 0.4 per cent of all adults, according to the Australian Bureau of Statistics’ Australian Social Trends 2009. By contrast, 52 per cent of adults live in a registered marriage.

The 0.4 per cent figure accounts for one third of the 1.2 per cent of Australian adults who identify as homosexual; this compares with the 97.5 per cent who identify as heterosexual, according to the major 2003 study Sex in Australia. Respect even for tiny minorities is necessary, but appropriate discrimination in favour of marriage and therefore in favour of a child’s right to be reared by a mother and a father is also necessary.

David van Gend is President of the Australian Marriage Forum.

First published in The Australian, 30 May 2012
It is argued that marriage should be redefined to recognise two adults of the same sex who are in love in a committed relationship. Such an arrangement is designed to provide fulfilment and gratification for the two consenting adults.

However marriage has been a ‘pro-child’ social institution for millennia. I believe it should remain an institution centred on the welfare of children, before the interests of same-sex adults. The marriage institution serves the interests of the community by providing stable and secure homes to children. By broadening and redefining marriage it reduces and diminishes its meaning. It becomes a matter of choice by adults, for adults, and is designed to serve the interests of adults. The interests of children are neglected.

In short, natural marriage says that mums and dads must take responsibility for the children they conceive. Children have a right to the nurture of their natural mums and dads. Marriage protects children by placing on their biological parents responsibilities for their upbringing, their welfare and education. The marriage institution is designed to provide the optimal wellbeing for children and society. Children have a right to a relationship with their natural brothers, sisters, cousins and broader family members. Same-sex marriage denies these rights and turns on its head these fundamental attributes of marriage.

Same-sex marriage says that children have no inherent right to the nurture of their natural mums and dads; that children don’t need a father or that children don’t need a mother; and finally, that children have no inherent right to have a relationship with their brothers, sisters, cousins and the broader family.

Marriage is deeply and uniquely oriented to bearing and rearing children. Homosexual marriage says there is no necessity for a child to experience both fathering and mothering in the family. The best available research indicates that as a general rule, children fare best on almost every indicator of wellbeing when reared by the wedded biological parents, for example, education achievement, emotional health, rates of anxiety, depression, substance abuse and suicide, familial and sexual development, and child and adult behaviour. (Source: Witherspoon Institute “Marriage and the public good: Ten Principles”)

There are up to 60,000 donor-conceived individuals in Australia today with many of these not knowing their biological brothers and sisters.

Senate inquiry evidence
The pain in their eyes was visible. The grief, sadness and sense of loss expressed by the donor-conceived individuals who were witnesses to the Senate inquiry into donor conception practices in Australia, was intense. They told of their search for their biological parents – to know their identity. These young adults were brought into the world without knowing the identity of both a mum and a dad. The sperm from an anonymous male ensured the link
to their biological father was cut forever.

One report says there are up to 60,000 donor-conceived individuals in Australia today with many of these not knowing their biological brothers and sisters. This Committee, which I chaired, in February last year unanimously called for a prohibition on donor anonymity, and the protection of the welfare and interests of donor conceived children. The tragedy experienced by donor children offspring who were denied their genetic heritage must never happen again. These donor-conceived practices were based on the perceived rights of certain adults to have children. These adults were ‘entitled’ to the children and male adult sperm donors had the right to be anonymous. We know now this was terribly wrong and had tragic consequences. But it was based on the so-called rights of the consenting adult.

Homosexual marriage would sadly perpetuate this tragedy by denying children the right to know and be nurtured by both a mother and father. Children deserve the right to grow up with at least a chance of a mum and a dad. Homosexual marriage would deny them that right.

**Marriage and why we have it**

Marriage is a bedrock institution worthy of protection. Marriage is an enduring institution, having been with us for thousands of years and across cultures and religions. Despite minor changes to the definition of marriage over time it has always been between a man and a woman. It is a social institution which specifically benefits children and is designed to ensure their welfare is maximised. It provides for stability in society. Marriage is not a fashion to be updated and there should be no doubt about its definition.

As a Christian I believe marriage was ordained and designed by God for the benefit of the married couple, their children and families, and the community in general. God wants the best for us. He wants us to live our lives to the full and to enjoy.

But whatever your view is of the merit of marriage the debate to date has been adult-centred. There needs to be far greater focus in my view, on what is in the best interests of our children. The rights of kids have been neglected in this debate so far. Children should not be left vulnerable within a new and novel social experiment.

If it were not for the rights of children, they being one of the vulnerable and voiceless groups in our society, the state (via the parliament or the government) would have little interest in regulating its existence. The state rarely is involved in regulating personal and private relationships.

Homosexual couple relationships have been recognised in law in most States in an official relationship register. This is appropriate in my view but these relationships do not constitute marriage. The marriage union is publicly recognised and treated as special and unique distinguished from other types of relationships because of its unique capacity to generate children and meet children’s needs. Of course not all married couples have children and many married couples adopt but marriage is the foundation stone for procreation. In my view, every child entering this world should have a reasonable expectation, all things being equal, of a mother and father. Of course, this is not always the case. Accidents, tragedy and family breakdown is not uncommon. As a community we should admire and provide support wherever possible for single parent families. Many kids crave the role model of an absent or lost parent; a father or mother. But marriage as the union of a man and a woman is an objective natural reality that reflects the biological and complementary nature of motherhood and fatherhood.

As a Christian I believe marriage was ordained and designed by God for the benefit of the married couple, their children and families, and the community in general.

Homosexual relationships are different to heterosexual relationships in relation to child bearing. If a homosexual couple wants a child, a third party has to be brought in. The natural father or mother will be excluded from raising a child. This is unfair on the child. I cite a 2011 NSW supreme court example where a father’s identity was legally removed from his biological daughter’s birth certificate. The young girl of 9 years, now officially has two mothers, a biological mother and her estranged lesbian partner, but no father. The father visited the girl every two weeks for 9 years and paid maintenance. Now he (Mr John Williams) doesn’t even exist legally as the biological father. Whose rights are being considered here? Is this fair or appropriate? Whose rights are more important?

Australian ethicist and UN advisor, Dr Tonti Filippini has said “...marriage in the Marriage Act is the most secure relationship for generating and nurturing the rising generation ...” I agree.

**International experience and trends**

Gay lobby activists have often claimed that Australia should be more progressive and catch up with the rest of the world when it comes to same-sex marriage. Based on my latest research only 10 countries out of nearly 200 have legalised same-sex marriages. Who should be catching up to whom? In the US only 5 of the 50 States have done the same. In the 30 of the 50 US States where a referendum has been held, in every one, the people have said “No” to same-sex marriage. This included the more ‘progressive’ California where the legislature initially passed the laws granting same-sex marriage but this was then overturned. It is interesting that President Obama has now declared support for same-sex marriage. Time will tell the merit of this position. In late 2011 the French Parliament rejected legislation for same-sex marriage.

The Australian Human Rights Commission and gay lobby activists often claim that denying homosexuals the right to same-sex marriage is a breach of human rights. On the contrary I would contend that there is a very strong argument that same-sex marriage, if it were introduced in Australia, would breach the most popularly signed UN
Convention – the *Convention on the Rights of the Child* (and specifically Articles 7, 8, 9 and 18).

Article 9(1) reads in part: “parties shall ensure that a child shall not be separated from his or her parents against their will ...”.

Article 18(1): “both parents have common responsibility for the upbringing and development of the child ... the best interests of the child will be their basic concern ...”.

**Federal Parliament**

Marriage in Australia means “... the union of a man and a woman to the exclusion of all others, voluntarily entered into for life”. This definition was only formally inserted into the *Marriage Act (1961)* in 2004 but it is neither recent nor arbitrary. It is derived from the common law which ultimately reflects the fundamentals of human biology and the deep and unique interest of the state in protecting and supporting children. On 31 March 2004, I drafted a letter to the then Prime Minister John Howard signed by some 30 Coalition colleagues seeking this amendment because doubts were increasing as a result of court decisions. The letter had the intended effect and ultimately bipartisan support was obtained. Today the future of the marriage definition is on a cliff’s edge.

**Language and the media**

Sadly, the gay lobby campaign is derogatory of those with an opposing view. We are accused of prejudice, bigotry, hate speech, anti-human rights and being ‘religious’. Of course if you are purportedly religious or have a Christian perspective they say your views should be automatically discounted or disregarded altogether. The Christian community and those who support natural marriage have been insulted, offended and downright persecuted.

Just this week a member of the Victorian Equal Opportunity Commission has been hounded from office for signing a submission to a Senate committee in support of marriage as currently defined. The Human Rights Law Centre Executive Director Philip Lynch said of the Commissioner, if his “beliefs are incompatible with his duties and functions under the *Equal Opportunity Act*, including his statutory duty to eliminate discrimination on the grounds of sexual orientation or lawful sexual activity, then there is a clear conflict of interest and it is appropriate the he resign his public office.”

UK businessman, Sir Brian Souter, said in late 2011 it was increasingly difficult for those who supported traditional marriage to speak out. They are being consistently marginalised, he said.

The gay lobby campaign calls for “marriage equality” and the removal of discrimination. But in 2008 no less than 84 federal laws were amended to remove all forms of discrimination against same-sex couples. These laws relating to superannuation, property rights, pensions etc received bipartisan support and many gay lobby activists at the time advised that they were not and would not be seeking same-sex marriage reforms. What a turnaround in less than three years.

Research by the eminent Professor Patrick Parkinson of the University of Sydney entitled *For Kid’s Sake: Repairing the Social Environment for Australia and Young People* said “… if there is one major demographic change in western societies that can be linked to a large range of adverse consequences for many children and young people, it is the growth of the numbers of children who experience life in the family other than living with their two biological parents, at some point before the age of 15...”

Professor Parkinson said “… the number of children who do not reach the age of 15 in an intact family with both of their biological parents has almost doubled within a generation”.

**Financial penalties are now being imposed in Canada on marriage celebrants who defy the law and refuse to marry same-sex couples.**

**Conclusion and reforms**

Broadening the definition of marriage to include those of the same sex is not a tweak or a minor amendment. It is a massive and fundamental change which will turn on its head the definition we have known for millennia. The revisionist marriage would change the way children are conceived and nurtured. What more significant change to society is possible?

Is the gay lobby seeking a minor change to our same-sex marriage laws without the obvious and looming consequences? I think not. If passed I predict a concerted campaign for symbolism and “normalisation” and the consequences that will flow from such a change, such that it will be unacceptable and intolerable to have a different ethical viewpoint. For example, it’s already happening.

A UK married couple of 40 years, who because of their Christian beliefs on homosexuality, were disqualified as foster parents. In their application they had made a point of saying that they would respect and support children who thought they might be gay, but they were not going to encourage it or affirm it as right. This was not an acceptable position and their application was denied.

Marriage celebrants may be compelled to authorise homosexual marriage. It was recently reported that financial penalties are now being imposed in Canada on marriage celebrants who defy the law and refuse to marry same-sex couples.

The law has an educative role. There will be changes in our schools and the school curriculum. Christian schools will have particular concerns in terms of employment, policy and practice. Teachers would be required to tell their students that marriage is about love and commitment to meet adult needs rather than what is in the best interests of children. This is despite the fact that antenatal classes teach the intrinsic value of the unique relationships of a biological father and mother, not to mention the same training messages given to parents when preparing for foster care. This contradicts the views of same-sex marriage that says that it does not matter at all. As is being suggested as an option for our Australian passports,
Parent 1 and Parent 2 rather than mother and father. Does it not matter at all?
If we don’t speak now it is possible we could lose the right to speak at all. To have a different ethical viewpoint is fast becoming politically incorrect, unacceptable and not tolerated.

I think Australians have little idea about where this debate could be taking us. We need to consider the consequences.

Every human marriage is imperfect and dysfunctional to some degree. In fact it is often painful and problematic with daily challenges. Marriage breakdown and its consequences appear to be increasing in severity and impact on not only our children but society as a whole. But this does not mean we should throw out natural marriage as an institution altogether. In fact, as a community we should be doing all we can to support it.

Four recommendations for reform
In this regard I have four recommendations for reform. Firstly, I have long supported government funding for both pre-marriage education and post-marriage counselling. Vouchers could be granted to would-be spouses offering pre-marriage education, perhaps over a six or twelve week period in advance of the wedding. Likewise post-marriage counselling or ‘marriage enrichment’ courses, again using the voucher system, could be offered to married couples every seven years of marriage. My wife Kate and I participated in a marriage enrichment course some months ago and found it most productive. There is always room for improvement in the marriage relationship.

The third recommendation would be the offer of a ‘positive parenting’ education and training course for parents (including single parents) on the various options available to develop their child’s (or children’s) social, emotional, physical and spiritual wellbeing.

Finally, I recommend more opportunities be provided to married couples considering divorce, to help them consider the ramifications and likely consequences for them and/or their children. In some cases unnecessary divorces could be avoided and in other cases the parties can be best prepared for what is ahead. This service is already being offered in part through the Family Relationship centres around Australia.

In conclusion I quote Margaret Somerville, Canadian professor of law and medicine, “Marriage provides the right to marry and found a family. Homosexual marriage unlinks marriage from biology and denies children the right to both a mother and a father”.

I think Australians have little idea about where this debate could be taking us. We need to consider the consequences. This is not a fine tuning of our marriage laws. It will turn on its head a fundamental bedrock institution that has served our community well and protected and supported our children and future generations.

Guy Barnett, Managing Director Guy Barnett Consulting, Government & Corporate Consultants (www.guybarnett.com) has more than three decades of experience in politics, government and the law including nine and a half years as a Senator, where he held senior parliamentary roles in government and opposition. As a Senator he supported family values and was instrumental in the successful 2004 Howard Government amendment to the ‘Marriage Act’.

Speech by Guy Barnett at the Excellent Marriage forum, Hobart, 17 May 2012
Australian Christian Lobby | www.acl.org.au
Homosexuals can love and they can be monogamous. They are in all respects, save one, like anyone else. Of course, the respect in which they are different is that they cannot conceive children through sexual intercourse. Without children there is no life. True, some heterosexual couples cannot conceive, but that is by exception.

The chairman, Graham Perrett, and some members of the House of Representatives Standing Committee on Social Policy and Legal Affairs have supported the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012; each proposes to change the Marriage Act 2012 and the Marriage Amendment Act 2012 to recognise homosexual marriage.

Perrett suggests that “marriage is still the best way to protect committed monogamous relationships”. And further: “The love between same-sex couples is no different to that of opposite-sex couples, and deserves no less the public recognition which marriage bestows.”

He fails to mention children. If it is only about love and recognition of a monogamous relationship, then there is no debate: do what you like to marriage. But if it is about children and the best institutional means of securing their future, then there is a debate.

For the supporters of homosexual marriage, marriage is not about reproduction; it is about delivering equality. Their claim ignores the fact two men or two women cannot as a matter of course, indeed, as a matter of intercourse, conceive children. Barring extraordinary intervention, there is no next generation.

The evidence seems clear: the best conditions for the creation and upbringing of children is a loving, long-term relationship. Whether these conditions are emulated in a homosexual relationship, however loving and stable, is the case in point. Homosexual couples may contrive to have children, but if they do so, a third and sometimes a fourth person enters the relationship.

I take a practical view on the matter, as prescribed by Murphy’s law. If something can go wrong, it will go wrong.

In considering changes to the Marriage Act, the more people are involved, the likelier is the breakdown of the marriage. Moreover, should breakdown occur, it would be more difficult than it otherwise would be to manage the future of the children.

Placing to one side the ideal – natural conception within wedlock – homosexual marriage may work for children. Heterosexual as well as homosexual marriage where IVF or surrogacy is used, however, carries the potential for donor claims during the marriage, or at its dissolution.

My argument is that, while homosexual marriage may not carry an extra risk per se, if there is an intention to have children, it always starts with a third person, a sleeper in the relationship. This is not true as a matter of course in heterosexual marriage.

Start with the simple case of a failed marriage: one man, one woman and one healthy child. The relationship breaks down. So long as one or both parents are not incompetent, parenting can be shared through the length of the child’s life. Even still, there is a great deal of litigation at the Family Law Courts over these matters.

Consider a complex and, incidentally, true case: two women in a relationship conceive babies by artificial means to two men in a relationship. Both relationships break down. Potentially, each child has four people claiming a relationship with the children.

The Family Law Courts and many talented practitioners in Australia work mightily to settle what two parents and more cannot: the continuing shared parenting of children after the dissolution of the marriage. Adding more claimants makes it much more difficult.

Marriage as an institution for child-rearing is not foolproof. Adding complexity to an already increasingly complex world for marriage intensifies as a matter of course, not as a matter of exception, for homosexuals.

In the 1980s, Australian State and Territory governments began amending legislation to provide de facto couples with similar rights to married couples, and from the end of the ’90s they began to extend these rights to same-sex de facto couples to remove discrimination based on sexual orientation in relationships.

But that is as far as it goes.

The Australian Human Rights Commission has been at its unhelpful best in its submissions to the parliamentary committee, arguing that “the principle of equality requires that any formal relationship recognition available under federal law to opposite-sex couples should also be available to same-sex couples”.

Homosexual marriage begins with a vastly different assumption to heterosexual marriage. The assertion of equality cannot overcome this assumption.

The commission also states, “We do hold a very genuine concern that anything that publicly legitimises discrimination of any kind does play to a feeling that these relationships can be treated with less respect.” The respect is for the institution of marriage, not a contrived equality.
The concurrent parliamentary inquiries on gay marriage mark a new low point in what has been the constant manipulation of truth and democratic process by gay activists in the pursuit of same-sex marriage.

As the inquiries closed it was evident that they had been reduced to the status of cheap public polls instead of what they should be – our highest forums for review for public policy.

The manipulation of truth over this issue has had a long precedent and we should question why it is necessary.

It began with the claim that 10 per cent of the population were homosexual some 30 years ago, perpetuated even today and in some cases with even wilder claims, when authoritative studies put the number of homosexuals at between 1.5 and 2 per cent of the population.

Activists have persisted in the claim that not being allowed to marry will leave homosexual couples discriminated against, when some 85 laws have been changed to ensure that no such discrimination exists in any area of entitlement.

This lack of critical analysis of gay activists’ demands has also resulted in concessions in other areas of policy that are not only illogical but clearly against the rights of others and particularly children. A combination of public demonisation of alternative voices and misrepresentation of fact, mean we have even removed fathers’ names from birth certificates, allowed babies and wards of the state to be given to two men, and single men to be able to get a child through surrogacy.

Deliberate intent to deceive parliament and public opinion is best illustrated by the blatant and widespread misrepresentation of numbers in favour of marriage in individual electorates in 2011. Greens MP Adam Bandt had called for politicians to seek the opinion of their electorates on same-sex marriage and to report back last August. Fortunately those trying to rig the result had not counted on the ability of politicians to check names against electoral roles.

Malcolm Turnbull reported that of 4,000 responses received, nearly 1,700 were from outside the electorate. Graham Perrett MP for Moreton noted that he received 900 out of 2,270 responses from outside his electorate. This can hardly be less than deceit on a grand scale and must cause us to question not only the relevance of numbers in the current inquiries, but how much we can trust the assurances of these activists that they would not move straight from gay marriage if they ever achieved it, to persecution of those who hold alternate views.

Two of the current Bills before the parliament contain supposed assurances that freedom of religion and conscience would be protected for both individual ministers and churches. But the deceit and manipulation used in getting this far and overseas experience give no such confidence to most people of faith.

There are a growing number of overseas examples of gay activism pursuing churches and individual Christians through litigation despite guarantees in legislation. Deliberate intent to deceive parliament and public opinion is best illustrated by the blatant and widespread misrepresentation of numbers in favour of marriage in individual electorates in 2011. Greens MP Adam Bandt had called for politicians to seek the opinion of their electorates on same-sex marriage and to report back last August. Fortunately those trying to rig the result had not counted on the ability of politicians to check names against electoral roles.

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In the UK a supposedly reasonable approach to provide civil partnership ceremonies, which in legislation specifically excused the church from participating, was changed after six years of activism to say the church may participate. Immediately and predictably the next phase of gay activists intolerance was announced when MP Mike Weatherley declared that any church that didn’t allow gay marriage ceremonies would be subject to huge fines. To make matters worse the government then changed the law to state that if a church didn’t participate in gay marriage ceremonies, it would be up to the state to do so. This can hardly be less than deceit on a grand scale.

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provide homosexual marriage should lose its licence to conduct any.

This vulnerability for the church was placed in sharp relief by a recent decision of the European Court of Human Rights.

Two French lesbians had been denied the right to adopt because the law there sensibly requires that you must be married. But the French government has repeatedly denied same-sex marriage based on this sort of consequence, which it judges not to be in the best interests of children. The French courts have ruled that denying same-sex marriage is not unconstitutional. While the plaintiffs clearly expected a different approach from a human rights court they didn't get it.

Firstly the court said that gay marriage or adoption were not human rights and therefore that the French government was quite within its rights to deny it. However, it also made the telling point that in countries where same-sex marriage had been given, that adoption and indeed any other right accorded married people as a group could not be denied.

The clear implication of this for churches and people of faith more generally, is that to legislate for gay marriage is to create a real vulnerability for their freedom of faith and religious conscience. It sets the scene for churches to be unable to deny religious services without expecting expensive litigation from these activists, if only to put pressure on governments to remove protections in the law.

These vulnerabilities are all the more real when you consider the current determination of gay activists to remove protections for freedom of religion from both federal and state anti-discrimination laws. A host of submissions by gay lobbies to the current review of federal anti-discrimination laws have demanded the removal of these protections in what is an amazing show of intolerance to other people’s sensitivities and right to live according to their worldview.

But if the methods should make our politicians wary of changing the Marriage Act, then the reality of the need for activists to misrepresent the numbers, so essential in politics, should strike at the very heart of their political interest.

Public polls asking in isolation whether people support homosexual marriage draw predictable responses when activists’ propaganda paints a false picture of discrimination. But there is strong evidence that very few people decide their vote on the basis of gay marriage.

In the recent Queensland election Anna Bligh worked feverishly to court the gay constituency. She had passed laws allowing gay surrogacy and rushed through civil union legislation in a desperate attempt to win the gay vote. Well she probably did, but the political irrelevance of it was well demonstrated when it couldn't even secure the inner city seat of the parliament’s champion of gay rights Andrew Fraser.

Regardless of the size of the general vote against Labor and what you mainly attribute it to, this is a telling reality, and one clearly reinforced by the lack of real importance of gay marriage to other parts of the supposedly progressive electorate.

In a recent poll of its members to determine their areas of primary concern, GetUp! had to admit that gay marriage didn’t even appear in their top ten issues. How much lower will it be for others given the nature of GetUp!'s membership and the high profile of its same-sex marriage campaign with it?

This outcome simply confirmed a truth already revealed in GetUp!’s 2008-09 Annual Report where the issue of gay marriage figured 12th on the members’ list of concerns. In fact it was rated more often as the issue they least wanted GetUp! campaigning on than any other single issue.

In light of the trail of deception used in pursuit of gay marriage, the inevitable manipulation of the public submission stages of the two most recent parliamentary inquiries should carry a strong lesson for politics and the general population.

One is that governments cannot afford to create vulnerability for people of faith when the mischievous intent of many of the activists pursuing this agenda is so obvious, and the second is that falsely contrived support for gay marriage will not be relevant in the privacy of the polling booth.

First published in The Punch, 30 April 2012
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I f a recent report in The Sydney Morning Herald is to be believed, the intensive lobbying of coalition MPs over the summer months by same-sex marriage advocates has failed to secure their support for a conscience vote on the issue.

According to this report, ... the gay marriage debate in Parliament will be pushed back to later in the year to give advocates for change more time to garner enough support to have legislation for same-sex marriage passed.

Instead of the debate being held immediately – which would have seen the bill defeated – the gay marriage campaign has changed focus to increase pressure on Tony Abbott to change his mind and allow opposition MPs a conscience vote.

There are several things worth saying about this matter.

The first is that August 24 last year Adam Bandt and the homosexual lobby scored a spectacular own goal over the issue of just how well supported same-sex marriage is in the Australian community last year.

If a human rights basis is to be developed for same-sex marriage then it is first necessary to determine whether same-sex couples qualify for marriage.

At the end of 2010, Parliament approved a motion proposed by Bandt calling on all parliamentarians, “consistent with their duties as representatives, to gauge their constituents’ views on same-sex marriage, it was discovered opinion in Coalition and Labor seats was overwhelmingly against legalising same-sex marriage, with only 6 out of 30 MP’s indicating their members were in favour of change. Most of the numbers being reported were very lopsidedly against same-sex marriage.

Especially striking was the failure of the progressive left organisation, Get Up!, which likes to describe itself as a movement of almost 600,000 members, to get its members to sign their petition in favour of same-sex marriage. In fact on the morning that MPs were reporting their findings it was found that the Get Up! numbers had been trumped by the Australian Christian Lobby numbers – less than 10 per cent of Get Up! members had signed the petition. Next day, Matt Akersten on the gay and lesbian lifestyle website, same same, wrote “We’re not going to sugarcoat this – yesterday’s MP feedback session in Parliament on the gay marriage issue was a tough setback for marriage equality”.

Given the far reaching nature of a decision to extend in law marriage to same-sex couples, a reasonable question to ask is, “what principled reason has been advanced for such a change in the law of marriage?”

We get arguments like, “it’s time” or “my homosexual daughter (or son) wants to marry her (or his) partner” or “they can do it in Massachusetts or Holland or Spain, why not here?”.

But what’s the principle? What is the rational, logical argument that carries sufficient weight for such a significant change in the law of marriage?

Last year former NSW premier Nick Greiner reportedly said, “(self-evidently) it is a matter of natural justice”.

It is no such thing.

It is simply wrong and misleading to depict the case for same-sex marriage as a case for ending discrimination or for equal legal recognition of relationships. The Federal Parliament amended 84 pieces of legislation after the 2010 election to place homosexual rights and entitlements on the same basis as others. The push for same-sex marriage is therefore largely ideological, because there is clearly no intention in any jurisdiction that they be subjected to any substantial discrimination on entitlement.

Marriage involves a comprehensive union of spouses, with norms of permanence and exclusivity.

Peter van Onselen shortly before Adam Bandt’s show and tell argument in Parliament, like Greiner, argued for same-sex marriage as a human right but as is always the case with this assertion never actually demonstrated why it was a human right, choosing instead, typically, to construct a series of pejorative straw men and ‘stacking the deck’ arguments to hopefully convince us that same-sex marriage was the natural consequence of a long evolutionary development in marriage.

Of course, having gone down this path he might have considered a further evolutionary development – the Greens’ bill for same-sex marriage still limits marriage to two persons, itself arguably discriminatory to those favouring polygamy or group marriage. How long would we have to wait for that example of discrimination to be addressed?

If a human rights basis is to be developed for same-sex marriage then it is first necessary to determine whether same-sex couples actually qualify for marriage. What is it about marriage that determines who may enter into marriage?

What we can say about marriage is that despite varying cultural
expressions, it is seen as the union of a man and a woman who make a permanent and exclusive commitment to each other, of the type that is fulfilled by bearing and rearing children together. This concept of marriage, allowing for variations in customs and ritual, is consistently found across cultures throughout history.

Marriage involves a comprehensive union of spouses, with norms of permanence and exclusivity. These combine to create a special link to children, for their sake, that protects their identity and nurture by a mother and father.

It is the link to children that gives marriage its special character.

But why a man and a woman, and not two men or two women?

With one exception a person is complete within themselves as to bodily organs and their functions: heart, lungs, stomach and so on. In other words, to fulfil any of these functions a person does not require a contribution from anyone else. The one biological function for which individual adults are naturally incomplete is sexual reproduction. In sexual intercourse, and no other form of sexual contact, a man’s and a woman’s bodies are joined by way of their sexual organs for the common biological purpose of reproduction. Their bodies become one, thereby securing future generations at the same time as they are giving unique expression to their love for each other.

### Extending marriage to same-sex couples would represent a radical revision of the public understanding of marriage as a social institution.

Marriage is deeply and uniquely orientated to bearing and nurturing children. Marriage ensures children access to both their mother and father and the security of the love between the parents. It provides for them a role model of human love of the parents relating as man and as woman, and its complementarity also ensures the unilateral love of each parent to the child and the necessary differences between motherly and fatherly love.

The fact that divorce happens, or one spouse dies early, or some couples are infertile and perhaps circumvent that lack to conceive through artificial reproductive technologies, including the use of donor gametes and surrogate mothers, or a couple beyond the years of child bearing marry, does nothing to change the reality of marriage. Same-sex couples simply do not qualify.

At its deepest level, marriage is the union of difference, the combining of a man and a woman to make one flesh, a union that is physical, emotional and as well, mystical.

To the contrary, same-sex marriage would be the union of sameness, with the distinctive and historical orientation towards the bearing and nurture of children dissolved. In its stead is to be offered a view of marriage which places sexual choice and emotional commitment at the centre.

So, let’s be clear on this: extending marriage to same-sex couples would represent a radical revision of the public understanding of marriage as a social institution. To go down this path would be for the law to teach that marriage is fundamentally about adults’ emotional unions, not complementary bodily union or children.

Because there is no reason that primarily emotional unions (any more than ordinary friendships in general) should be permanent, exclusive, or limited to two, these norms of marriage would make less and less sense. Less able to understand the rationale for these marital norms, people would feel less bound to live by them, to their own detriment, and especially to the detriment of children.

According to the newspaper report I began with, the supporters of same-sex marriage claim through the national convener of Australian Marriage Equality, Mr Greenwich, the existence of “an unstoppable momentum for a reform that continues to win hearts and minds in the wider community and the parliament”. Well this remains to be seen. To be sure, their efforts will not go unchallenged. Same-sex marriage in law is by no means inevitable.

Rev. David Palmer is a Presbyterian Minister and member of the Committee for the Preservation of Marriage.

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SAME-SEX MARRIAGE: AN AGNOSTIC’S VIEW

Same-sex marriage is not a religious matter but a legal matter. Marriage should be the subject of a legal contract specifically for a man and a woman, asserts Don Allan

As a former Canberra Branch President of Friends of the ABC, I write, reluctantly, that ABC radio and Radio National in particular, seems to have become the propaganda arm of the same-sex marriage movement. But what finally made me overcome my reluctance to write was Encounter, Sunday morning 9 October 2011.

My decision was influenced also by how often the word ‘gay’ manages to crop up in many ABC radio programmes that have nothing to do with same-sex issues. Indeed I am tempted to think of it as subliminal advertising.

While Hammurabi’s law allowed homosexuals to enjoy sexual freedom and gave them rights, same-sex marriage was not included.

The panel of speakers convened to discuss same-sex marriage on Encounter contained no surprises. It comprised Rodney Croome spokesperson for the Tasmanian and Lesbian Rights Group and campaign co-ordinator of Australian Marriage Equality; Lee Badgett, Director of the Center for Public Policy and Administration and Professor of Economics at the University of Massachusetts; Benny Hazlehurst, Anglican priest and a founding member of Accepting Evangelicals; Rod Benson, Baptist minister and ethicist at Sydney’s Morling College; Peter Comensoli, an auxiliary bishop in the Catholic archdiocese of Sydney; Frank Brennan, Jesuit priest and professor of law in the Public Policy Institute, the Australian Catholic University; Sandy Miller and Louise Bucke, a lesbian couple living in Sydney with their children; and David Riddell and Peter Kingston, a homosexual couple living in Sydney.

Unfortunately this panel lacked balance, the pro group outnumbering the anti group. But why no Aborigines, Jews, Hindus, Buddhists or Taoists, declared agnostics or atheists or other non-Christian groups?

The premise of the programme – a wrong premise – was that Christians were the only people who opposed same-sex marriage. This premise disturbed me as did host Gary Bryson who, in his summing up at the end of the programme, seemed to suggest that Christians were fighting a losing battle trying to prevent same-sex marriage becoming legal.

Rodney Croome was the panel’s opening speaker. In presenting his case for making same-sex marriage legal he spoke as if marriage was a Western Christian concept whereas it has existed for millenniums. His other arguments: the Marriage Act is based on property; it is discriminatory; and that the early Christian Church had hijacked it to ensure a continuing source of adherents.

But had he researched more thoroughly, he would have found that marriage was common in civilisations long before 2000. And had he looked up Hammurabi’s law, of 3,500 years ago, he would have found that while the law allowed homosexuals to enjoy sexual freedom and gave them rights, same-sex marriage was not included. The list goes on.

I also found it odd that Mr Croome was not questioned on his statement that the vast majority of Australians supported same-sex marriage. So let me ask: How was this information gained? Had it been gained through surveys? If so, where had they been carried out and who carried them out? And, last but not least: who framed the questions?

These same questions should have been put to Professor Badgett from Massachusetts University. With Massachusetts the first US State to legalise same-sex marriage, Professor Badgett’s arguments, based on economic, health and welfare issues said surveys had shown that same-sex marriages were beneficial rather than harmful to children. Coming from Massachusetts one might be inclined to think “she would say that.” Unfortunately she didn’t say how many of the people surveyed were heterosexual couples with children.

Next came Anglican priest, Benny Hazlehurst, a supporter of same-sex marriage who said he came to this view after being anti for a long time. The reason for changing his mind seemed less than convincing. He changed his mind after re-reading The Bible and studying
the sections that commented on homosexuality. As a result of his reading he came to the conclusion that marriage was not exclusive to a man and a woman.

The next three speakers, Baptist Minister Rod Benson, Catholic Bishop Peter Comensoli and Jesuit lawyer Frank Brennan presented their arguments as to why marriage could only take place between a man and a woman. But as committed Christians the comments applying to them are as those for Professor Badgett, ‘they would say that’, wouldn’t they?

My view is that same-sex marriage is not a religious matter but a legal matter and that marriage should be the subject of a legal contract specifically for a man and a woman.

My reason for raising this issue is because there seems to be the view that agnostics and atheists must be on the side of same-sex marriage. Not so. I am agnostic and against same-sex marriage. My view is that same-sex marriage is not a religious matter but a legal matter and that marriage should be the subject of a legal contract specifically for a man and a woman. It seems to me also, that if the men and women who sign such contracts are of strong religious belief, they will try to keep to the contract’s conditions. As for a church ceremony: that will be between them and their church.

An identical legally binding contract conferring the same social benefits on same-sex couples as a marriage contract confers on man and a woman should also be created. What should it be called? I am in no doubt that sensible homosexual, lesbian and transgender couples could suggest an appropriate name. And if they were of strong religious faith they would also observe the terms of their contracts. A church ceremony is also a matter for them and their church. But what is of importance is that both contracts are equal under these arrangements.

During the discussion the subject of children was raised. On this question it seems to me more care needs to be taken when the wording accompanying pictures of two homosexuals, two lesbians or two transgender people posing with children suggest that the couple’s sexual coupling was what caused their conception. The fact is, and much as they might otherwise wish, this cannot be. I also think acceptance would be easier if they stopped using and displaying children in their care like trophies won in what seems to have become an unseemly sex war.

Finally, perhaps both the religious and same-sex groups should cast aside their prejudices for a moment and consider the following: in the future religion might disappear but without children there will be no future.
If marriage were redefined, the law would teach that marriage is fundamentally about adults’ emotional unions, and not about generating and nurturing children. By Nicholas Tonti-Filippini

In an extraordinary show of unity, more than 50 national leaders of Christian churches have endorsed a document on marriage as a legal institution that promotes and protects the identity of children and their internationally recognised right to know, to have access to and to be nurtured by both their mother and father.

This is not a debate about the worth to the community of same-sex unions. The social values such couples exhibit in their daily lives are indistinguishable from those of their neighbours. We should acknowledge loyalty, commitment and devotion, the contribution made to neighbourhoods and to making communities safer and better places to live, and the many other ways in which people living interdependent lives enrich the community through the stability of their unions.

Nor is this a debate about equality and non-discrimination. The federal law in Australia has already been changed to give same-sex partners the same legal rights as those who are married, and in most states the right to register their unions. The remaining issue, therefore, is the definition of marriage, and the question is why society has an interest in continuing to secure marriage as a relationship between a man and a woman.

Revising the definition of marriage has been presented simply as a justice issue of non-inclusion. There has been little in the media about the fact that this would mean revising what marriage means, so that it would be about romance only and no longer focused on establishing a relationship in which children are nurtured by both their mother and father.

That marriage is between a man and a woman has stood across millennia and all cultures and is very important, if not sacred, to a lot of people. Those who value the definition of marriage hold it deeply. Perhaps most importantly, though, it is about securing as a community value the right of a child to a mother and father and placing an expectation on parents that wherever possible they have a responsibility to stay together for that child and to provide the equal love of a mother and father in his or her growth.

The high incidence of fatherless youth in the recent London riots is a reminder of the potential implications for youth, and social cohesion more generally, if governments fail to do all in their power to encourage by example a natural and stable environment for children to grow and mature. Marriage as currently defined does this.

What is at stake is an ideal that seeks to ensure that a child has both a mother and a father.

There are same-sex households in which there are children, either from previous relationships or through the use of technology. Nationally, same-sex couple families represent one in a thousand couples with children. Surrogacy makes it possible for same-sex male households to parent children. The law copes with those eventualities by defining and securing the child’s relationship to parents or substitute parents.

However, the reality is that a same-sex relationship does not generate children and the child always comes from outside the relationship. A complex matrix of parental relationships is formed of genetic, gestational or birth mother and social or substitute parents.

A parliamentary inquiry into people who were donor conceived has demonstrated just how important to the child all those relationships are, and the right of a person to know who he or she is and who his or her genetic family and half siblings may be.

A child’s relationship to both mother and father is inherent to marriage. Children conceived by other means may find themselves with people in parental roles who are in a same-sex relationship, but such relationships are not the origin of the child. It is likely for children to be loved and nurtured in such a household, but however good that nurturing, it will not provide the biological link and security of identity and relationship that marriage naturally demands and confirms.

If marriage were redefined, the law would teach that marriage is fundamentally about adults’ emotional unions, about romance only, not complementary bodily union or generating and nurturing children.

What is at stake is an ideal that seeks to ensure that a child has both a mother and a father. That the ideal sometimes breaks down or that there are exceptions to it does not make marriage any less ideal. The bodily union of mutual love that is integral to marriage helps to create stable and harmonious conditions suitable for children, and the children can look back to an origin in the love of their parents.

It is one thing to say that the law has nothing to do with what two men or two women do in their private life, it is quite another to change the law to promote those relationships. If marriage is redefined, then that is what we are going to have to teach and affirm to our children and in our schools. The revisionist case reduces marriage to a matter of choice and love between adults only. If the definition of marriage is changed, that will affect all of us, children in particular, because ‘marriage’ will primarily serve the interests of adults.

Nicholas Tonti-Filippini, Associate Professor at the John Paul II Institute for Marriage and Family, was an author of the national church leaders’ statement on marriage.

First published in The Sydney Morning Herald
6 September 2011
SAME-SEX MARRIAGE
– WHY IT NEEDS TO BE OPPOSED

The official position of the Catholic Church on same-sex marriage is not a new teaching, but it does require some explanation and pastoral reflection, writes Bruce Ryan

For the person in the street, religious and moral arguments do not cut the mustard, however, there are good practical and secular reasons that also underpin the Church’s stance on this issue.

In the case of marriage and family there is no need to ask the question: Which came first, the chicken or the egg? that is society, or marriage and the family.

The family is well-accepted as the bedrock of society; it comes first and society follows; this has been the case for millennia. Marriage is the formal public institution of the family, fostered as such quite deliberately by the State for very sensible reasons.

Marriage provides the State with a sound and reliable formal structure for the loving procreation and careful nurturing of its future citizens.

Marriage is also a personal institution. It is the exclusive, permanent, loving relationship and commitment between a man and a woman open to the natural possibility of procreating and raising children. It has a two-fold purpose: mutual affection and support, and the natural procreation and care-filled raising of children.

It is easy to understand why same-sex couples committed in love to a long-term and exclusive relationship would wish to share in this experience. However, extending the understanding of marriage to same-sex couples would break down both the public and the personal institutions of marriage, that have stood throughout time; indeed, marriage would lose its meaning.

Whilst the Church is sympathetic to same-sex couples who wish to seal their commitment to one another in marriage, the very object of their aspirations would evaporate in their act of obtaining it.

Marriage would no longer be linked in its essence to bringing new life into the world and society. Society would, therefore, have no further reason or need to protect the institution of marriage. It has been suggested that, logically speaking, if marriage represents only a loving relationship, it could come to represent any such relationship: opposite-sex couples, same-sex couples, polygamous and multiple partnerships of any sex, etc.

If the link to bringing the new life of children into the world is broken, marriage itself is broken and the concept is of no further use, to the individual or to society.

Is there another agenda for some behind the push for same-sex marriage? If marriage is broken, as open to both opposite-sex and same-sex couples, there is really no longer a need for any sort of institutional distinction between a man and a woman. Gender would be rendered officially as culturally-learned rather than fundamentally prescribed by our nature. But now, to the ordinary person in the street, this would just seem to be going too far. This is the very argument: a same-sex union is not what we have normally understood marriage to be down through the ages.

But, where would that leave children?

Children have a right to be conceived and brought into this world naturally, and to know of their biological origins wherever this is feasible. Children have a right to the chance to be nurtured and cared for by a mother and a father. We know that life often intervenes to deny these rights, but we start from the potential for them to be satisfied.

With same-sex marriage, however, adult needs, desires, hopes and aspirations become the focus to the exclusion of the rights of the child.

And where else may this lead? Would the law eventually oblige: teaching homosexual preference and lifestyle in schools? Requiring ministers of religion to perform same-sex marriages? Or Church-based adoption agencies to facilitate same-sex adoptions?

Extending marriage to include same-sex couples would unjustly discriminate against opposite-sex couples who are married. However, legislation that marriage is between man and a woman does not discriminate unjustly against same-sex couples.

Not all discrimination is bad; the law provides many forms of discrimination for the good of society – e.g. consanguinity laws for marriage (note again the link to children inherent in society’s notion of marriage) and age limits for driving licenses.

There are many sensible and compelling reasons for opposing legislative support for same-sex marriage. However, homophobia is not one of them. The Catholic Church is firm in its teaching on this. The belief that every individual person is made in God’s image is at the very heart of Christian teaching. Every human person is loved by God and personally saved and made holy by the life, death and resurrection of His Son, Jesus the Christ. From this we cannot resile; it is central to our faith, the core of our belief.

Bruce Ryan is Executive Secretary to the Bishops Commission for Pastoral Life.
My godfather was a bachelor who lived in a small cottage in East Melbourne. We called him Uncle Ernest but he was actually my grandfather’s brother and technically my mother’s uncle. He came once a week to dinner at our house and was an important influence on my development. Although my parents were by no means uncultured, he brought something extra into my life in terms of a respect for the arts and the value of refinement and taste. He was for me a model of elegance and urbanity and, most important of all, gave me a sense of style. I still remember when he took me to my first Shakespeare play in the city, performed by the visiting Old Vic Company. I believe he had a similar positive influence on some of my cousins.

Homosexuality is normal, but it is not the norm. If it were the norm, the human race would have died out eons ago.

He was a loved and respected member of my extended family and I never heard a word spoken against him. The family sometimes mentioned his late companion who shared the cottage with him for many years, well before my time, but there was no hint at all that there was anything untoward in this.

I am now almost certain that he was gay and I am grateful that he was. If he had been heterosexual he would most probably have married and had his own children and been too busy with them to give me the benefit of his dignified presence.

My subsequent life has been enriched by countless encounters, and sometimes ongoing relationships, with a wide range of gay people in all walks of life. Most of them were first and foremost fine people, intelligent, creative and enthusiastic, and their homosexuality, while part of their identity, was neither here nor there in the argy-bargy of day-to-day existence.

I believe my personal experience can be generalised to the whole society. Our whole culture has benefited from the presence of homosexuals in our midst, not just as mentors but as productive and creative people in their own right, and we should thank whatever evolutionary forces made it a fact that it is normal that a percentage of the population at any one time will be drawn to same-sex rather than heterosexual unions.

Homosexuality is normal, but it is not the norm. If it were the norm, the human race would have died out eons ago. The norm for human beings is sexual reproduction which requires not same-sex but opposite-sex unions. At the most basic level, our survival as a species requires the coming together of male and female gametes.

In human societies the way this essential union is symbolised is in the institution of marriage. This is how the centrality of the male-female partnership is celebrated in our culture and, in a non-religious sense, it is sacred; that is to say, heterosexuality is so important to our survival, so fundamental to the continuation of the species, that we have an ingrained sense that marriage as a heterosexual union should not be tampered with. It symbolises in the social sphere the vital role that the male-female gamete union plays at

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partnerships for the contributions they have made. I think of Gertrude and Alice. Of Patrick and Manny. And so many more. The list is a long one.

But we must also recognise that there is a sense in which homosexual partnerships are not the same as heterosexual ones and this difference should also be celebrated.

I sometimes think that some members of the homosexual community are playing a game of “Let’s Pretend” – “Let’s pretend we’re heterosexual”.

I sometimes think that some members of the homosexual community are playing a game of “Let’s Pretend” – “Let’s pretend we’re heterosexual”: Heterosexual couples have children, so let’s get ourselves a baby. Heterosexual couples get married, so let’s get ourselves married. This seems to me to be at one level a denial of one’s homosexuality, of what makes homosexuality unique. Freedom is not the ability to become like other people, freedom is the ability to become more fully yourself! Isn’t this what “Gay Pride” means. There is no pride in making believe you are just like everyone else.

Being equal does not mean being the same. Marriage celebrates the male-female bond, which is worth celebrating, but his doesn’t mean we shouldn’t also celebrate homosexual partnerships for the contributions they have made. I think of Gertrude and Alice. Of Patrick and Manny. And so many more. The list is a long one.

But we must also recognise that there is a sense in which homosexual partnerships are not the same as heterosexual ones and this difference should also be celebrated.

Ian Robinson is a Melbourne-based atheist and commentator. He has taught philosophy, education, professional writing and editing at a number of tertiary institutions and is a past President and a Life Member of the Rationalist Society of Australia.

12 reasons why marriage equality matters

Arguments in support of same-sex marriage from Australian Marriage Equality

1. Many same-sex couples want to marry

Same-sex couples want to marry for all the same reasons as their opposite-sex counterparts – for legal security, to publicly celebrate their commitment, to provide greater legal protection for their children, or simply because they are in love.

According to a national study by researchers at the University of Queensland 54% of Australian same-sex partners would marry if they had the choice. 80% of Australians in same-sex relationships support marriage equality even if they do not wish to marry.

First, we will look at the benefits that flow to same-sex couples who marry. This is followed by the wider social benefits that come from removing discrimination from the Marriage Act and ensuring equality for same-sex couples.

2. The legal benefits that come with marriage

Married partners have immediate access to all relationship entitlements, protections and responsibilities. This contrasts to de facto couples who must live together for a certain period before they are deemed to have legal rights.

A marriage certificate also allows married partners to easily prove their legal rights if challenged, for example in emergency situations. The capacity to quickly and easily prove one's relationship status is particularly important for same-sex partners because prejudice against same-sex relationships can mean legal rights are denied.

Another practical benefit of marriage is that it is a widely recognised legal relationship. The criteria for establishing de facto status, and the rights ascribed to de facto partners, are different between the Australian states and between Australia and other nations.

3. The other benefits that come with marriage

Allowing same-sex couples to be included in such a universal and valued institution as marriage will provide them and their families with real social and cultural benefits.

Landmark research led by Lee Badgett, Professor of Economics at the University of Massachusetts, describes and quantifies some of these benefits in two different places that have allowed same-sex marriages for several years, The Netherlands and Massachusetts.

Badgett found that same-sex partners overwhelmingly,

- Felt marriage had increased their commitment and their sense of responsibility, and had generally strengthened their relationships
- Believed their children were better off after their marriage, chiefly through legal protection for those children and enhanced feelings of security, stability and acceptance in the children, and
- Felt participation and acceptance in their extended families and communities had increased because of their marriage.

Her conclusion was that, “Overall, the experiences of same-sex couples in two countries, the United States and The Netherlands, suggests that same-sex couples and their families are strengthened by a policy of marriage equality for same-sex couples.”

There is also a growing body of research showing that married partners, including same-sex married partners, are, on average, healthier, happier and longer lived, than their cohabiting peers, or singles. According to the US Centre for Disease Control, even rates of heart disease, drug use and stress are lower among married partners.
4. Same-sex attracted Australians want to be treated equally

Australia’s ban on same-sex marriage doesn’t only disadvantage those same-sex partners who seek to marry. It disadvantages all same-sex attracted Australians, including those who are not in a relationship, or who would not marry, even if they could.

It does this by treating them as legally unequal to their heterosexual counterparts, and by not allowing them the same life choices.

Governments restrictions on who gay and lesbian Australians can marry violates their fundamental human rights in the same way the rights of Aboriginal Australians or African Americans were once violated by laws which prevented them from marrying who they wished.

The association between the equality in marriage and freedom from second-class status is well understood in the context of the struggle for the civil rights of people of colour.

In 1958, in the midst of the struggle for black civil rights in America, Martin Luther King Jr declared, “When any society says that I cannot marry a certain person, that society has cut off a segment of my freedom.”

Consider all the other groups in society, along with people of colour and same-sex attracted people, who at one time or another have been denied the right to marry the partner of their choice: women, people from differing faiths, people with disabilities.

What they all have in common is that they have been regarded as too immature or irresponsible to make what is arguably the most important decision any individual can ever make, the choice of a life-long partner.

In the same vein, the gradual acceptance that members of these groups are fully adult, fully citizens and fully human, has been accompanied by an acceptance of their right to marry whomever they wished.

5. Discrimination in marriage fosters discrimination in other areas

Exclusion of same-sex attracted people from marriage also sends out the message that discrimination on the grounds of sexual orientation is acceptable.

This negative message is amplified by the fact that, since 85 federal laws were amended to recognise same-sex de facto partners in 2008, the Marriage Act is the only remaining federal law which still discriminates, and because marriage is considered an important legal and social institution.

The negative message sent out by discrimination in marriage foster prejudice, discrimination and unequal treatment against same-sex relationships in the wider community.

There is a substantial body of Australian social research which shows the vulnerability of same-sex attracted people to prejudice, discrimination and unequal treatment. These surveys have consistently found that same-sex attracted people experience unacceptably high levels discrimination in the workplace, discrimination in other aspects of their lives including at school and in their families, and hate-motivated assault. Studies have also directly linked bans on same-sex marriages to higher levels of discrimination.

While marriage equality will not remove all prejudice, discrimination and unequal treatment against same-sex attracted people, it will be an important step towards this goal.

6. Discrimination in marriage has a negative impact on health and wellbeing

Worst of all, Australia’s ban on same-sex marriages disadvantages same-sex attracted people by sending out the message that they are less capable of love and commitment than heterosexual people. It says their relationships are less stable, less resilient and of less value to the partners involved and their family and friends.

These negative messages, plus the devaluation and discrimination already cited, have a profound impact on the health and wellbeing of same-sex attracted people and their families.

Same-sex attracted Australians are more likely to experience below-average health outcomes including higher levels of depression, due to this prejudice and discrimination. The statistics are particularly alarming for younger and newly-identifying LGBTI people who have consistently higher rates of drug and alcohol abuse, homelessness, early school leaving, conflict with peers and parents and suicide ideation, all directly related to the discrimination and prejudice they experience.

A number of researchers have shown there is a direct link between legal bans on same-sex marriage and higher levels of stress and anxiety, lower self-esteem, and greater incidence of mental and physical health problems among same-sex attracted people. This has prompted the American Psychological Association to support marriage equality. It has also been confirmed by the University of Queensland study mentioned above. This study found that the more same-sex attracted people felt their relationships were valued in the same ways as opposite-sex relationships, the greater their sense of overall wellbeing.

Because not allowing same-sex couples to marry disadvantages all same-sex attracted people by infringing their fundamental rights, fostering discrimination against them and impairing their physical and psychological health surveys have consistently shown that support for marriage equality among same-sex attracted people, including those who do not wish to marry, is as high as 80%.

7. The benefits to the institution of marriage

The debate on same-sex marriage often focuses on the benefits of equality for same-sex partners, but there are also benefits for marriage as a legal and cultural institution.

Allowing same-sex couples to marry will admit many more couples who seek to uphold the core values of marriage and are enthusiastic for the institution. It will send out the message that marriage is defined by love...
and respect not prejudice and discrimination. It will also prompt opposite-sex couples to re-value wedlock as an institution in which the over-arching values are love, devotion, and not least, social inclusion. Allowing same-sex couples to marry will show that marriage is relevant and resilient enough to embrace changing social attitudes in the same way it did last century when married women were given legal equality and interracial marriages were allowed.

Evidence that marriage equality uplifts marriage can be found in those places where the recognition of same-sex relationships has a relatively long history. In Scandinavia the formal recognition of same-sex relationships has been in place for a generation and same-sex marriage is now widely allowed. At the same time, marriage rates among heterosexual couples have increased by as much as 30% and divorce rates have gone down. Similarly, those US states that allow same-sex couples full marriage rights have the lowest rates of divorce among heterosexual partners (the state which has had marriage equality the longest, Massachusetts, has the lowest of all).

A review of these examples published in The Wall Street Journal in 2006 agrees none of this is not a coincidence:

“There is no evidence that allowing same-sex couples to marry weakens the institution. If anything, the numbers indicate the opposite”.vii

8. The benefits for children
The legal and social benefits of marriage flow to the children of marrying couples as well as to the couples themselves. In Australia today many opposite-sex couples decide to tie the knot to provide their children with the legal security and social recognition that comes with having married parents.

Children being raised by same-sex couples benefit from marriage in similar ways. Indeed, the research cited above shows that they benefit more, because when their parents have the right to marry the prejudice, stigma and discrimination against families headed by same-sex couples is reduced.

It is because of these links that support for marriage equality is highest among same-sex couples with children and is well above the national average among opposite-sex couples with children.

Surveys have shown that about 30% of female same-sex couples, and about 15% of male same-sex couples, are raising children, a figure which rises to almost 50% of female partners over 36 according to a recent national study.viii In Australia this amounts to many thousands of children who are currently denied the same opportunities as their peers.

Marriage equality is in the best interests of those children being raised by same-sex couples.

9. Enhancing religious freedom
In Australia some religious organisations and officials wish to legally marry same-sex partners in the same way as they legally marry opposite-sex partners.

At its national conference in 2010 the Australian Quakers, “…agreed to practise full marriage equality within Quaker Meetings around Australia, including celebrating the spiritual aspects of same-sex weddings, and expressed their hope that the Marriage Act will be amended as soon as possible to allow Quakers to support such couples to full legal recognition”.ix

Laws which prohibit same-sex marriages violate the religious freedom of groups like the Quakers by not allowing equal legal recognition of their religious practices.

Melbourne-based evangelical Baptist Pastor and marriage equality supporter, Rev Nathan Nettleton, puts it this way:

“the doctrine of separation of church and state, for which some of my Baptist forebears endured violent persecution, teaches us firstly that it is a Christian duty to defend the right of others to follow their own conscience before God, free from coercive attempts to impose conformity of belief or practice; and secondly that the state should not privilege the convictions of any particular religious tradition, even a majority tradition, over the convictions of those who dissent from it.”

Allowing same-sex couples to marry will enhance religious freedom in Australia.

10. The benefits for government and the economy
Allowing same-sex couples to marry would be a financial boon for both the private sector and state governments.

We know from university studies that 54% of same-sex couples would marry if they could. If each of these couples spent about the same amount on their marriage ceremony that other Australians spend on theirs, they would inject at least an extra $700 million dollars into the economy. This amount includes an injection of many millions of dollars into state government revenues
through marriage license fees.

There is virtually no offset to this cost, as the same-sex couples who are most likely to marry already have spousal benefits, as de facto or civil union partners, in tax, superannuation and pensions.

11. Growing support within Australia and around the world

As the following list shows, the number of places overseas where same-sex couples are allowed to marry is not only increasing but accelerating:

- The Netherlands (2001)
- Belgium (2003)
- Canada (provincially beginning in 2003, nationally in 2005)
- Massachusetts (2004)
- Spain (2005)
- South Africa (2006)
- Connecticut (2008)
- Iowa (2009)
- Vermont (2009)
- New Hampshire (2009)
- Norway (2009)
- Sweden (2009)
- Mexico City (2009)
- Argentina (2010)
- Portugal (2010)
- Finland (2010).

Support for marriage equality is also increasing in Australia. A 2004 Newspoll found that 38% of Australians supported marriage equality while 44% opposed and 18% were undecided. In 2007 a Galaxy Poll found that 57% of those surveyed support marriage equality. A Galaxy Poll conducted in 2009 using an identical question to 2007, showed 60% of those surveyed were in favour of marriage equality, with a clear majority of support among voters for all three parties currently represented in the national parliament. Support was highest among young voters and among parents of young children.

In Australia, the number of corporations, unions, community groups, local governments and churches that recognise same-sex marriages is also rapidly increasing. These include Telstra, QANTAS, the Commonwealth, Westpac and National Australia Banks, the Kogarah City Council, the Australian Maritime Union and the Quakers. Even Government agencies are beginning to acknowledge the reality of same-sex marriages; in early 2008 the Australian Bureau of Statistics confirmed it will count same-sex married couples in the next national census.

Among same-sex attracted people, support is also high. The most recent study on this issue, Not So Private Lives, found that 80% of same-sex partners support their right to marry and a majority – 55.4% – would marry if they had the choice.

Clearly, those who declare the Australian people do not support marriage equality, or the gay and lesbian community is divided on the issue, are wrong.

In Australia supporters of marriage equality are increasingly active and come from across the social spectrum. In 2009, a Senate inquiry received 11,000 submissions in support of marriage equality – most of which were from heterosexual Australians.
12. Civil unions are not enough

To address the practical legal problems faced by unmarried same-sex partners, some people advocate civil unions ("civil union" is a generic term that includes a registered partnership, a civil partnership, and all other formally-recognised personal unions).

However, civil unions do not offer the same legal benefits as marriage, even when the law says they should. This is because they are not as widely understood or respected. Several recent reports into the operation of civil schemes in Europe and North America confirm that civil unions are not always recognised by hospitals, schools, insurers and even government officials.

Lack of recognition is also a problem when civil union partners travel interstate or internationally. But even if a solution can be found to these practical problems, legal unions other than marriage do not give same-sex couples the same social and cultural recognition that comes with marriage. In the words of American marriage equality advocate, Beth Robinson, “nobody writes songs about civil unions”.

Worse, according to the reports mentioned above civil unions may actually encourage discrimination against same-sex partners and downgrade the status of their relationships by entrenching a second-class status.

Civil rights historians like Barbara Cox have drawn the parallel between civil unions and former “Jim Crow laws” in the American south:

“... restricting same-sex couples to civil unions is reminiscent of the racism that relegated African-Americans to separate railroad cars and separate schools. Our society’s experiences with ‘separate and equal’ have shown that separation can never result in equality because the separation is based on a belief that a distance needs to be maintained between those in the privileged position and those placed in the inferior position.”

Civil unions have not only not fulfilled their promise of equal rights and respect for same-sex couples, they appear to have made matters worse. Instead of eliminating discrimination they have entrenched it. Instead of removing stigma they have inflamed it. Instead of being a step towards full equality they are a step away.

This is probably why same-sex couples consistently show they prefer marriage to other forms of legal recognition. In US states where both marriage and civil unions are available to same-sex couples the result is always a higher take-up rate for marriage. Alternatively to marriage are important for providing legal options available to Australian couples. That piece is marriage for same-sex partners.

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The slippery slope to homophobia

Opponents of same-sex marriage are going all out to beat up fears about a supposed slippery slope, observes gay rights advocate Rodney Croome

After heterosexual couples began to get hitched it was all down hill. First they got us ejected from Eden, then men started marrying lots of women at once. Pretty soon we had forced marriages, child betrothals, wife beating and wife burning.

And don’t get me started on the kids: forced labour, abandonment, infanticide – all practised by heterosexual married parents.

Clearly, the only way to stop these barbarities is to ban straight people from marrying. If you think that’s silly and not a little offensive then welcome to the world of those Australian same-sex couples that want to marry.

We are told that if we are able to legally wed marriage and society will fall apart. There’ll be a stolen generation of fatherless and motherless children. Christians will lose all their freedoms and be ‘fed to the lawyers’ (as evangelicals like to joke).

The latest fear is that the recognition of multiple-partner relationships like polygamy (one man married to several women) and polyamory (several people together) are ‘the next logical step’.

Of course, they aren’t.

Nowhere have these relationships been recognised as a result of same-sex marriage. In Australia there is no movement or public support for their legal recognition. Our family law is constructed for couple relationships and would find it impossible to handle multiple-partner relationships.

Our shared cultural understanding of marriage as an equal, stable, exclusive sexual relationship between two people can accommodate same-sex marriages but not multiple-partner relationships.

If there is a slippery slope to multiple-partner and incestuous relationships then, to be facetious again, it is the heterosexuals we have to blame.

Almost all polygamous and polyamorous relationships are, or begin as, heterosexual couplings.

The point is underlined by Australia’s highest profile example of a polygamous relationship – a Perth man who wants to keep his wife and marry her twin as well. This unusual arrangement flows ‘logically’ out of a heterosexual marriage not a gay one.

What we are seeing here is just the kind of fear campaign that has always accompanied the removal of discrimination against gay Australians. Opponents of decriminalising homosexuality, anti-discrimination laws and gay parenting loudly predicted society would collapse.

They were wrong then and they’re wrong now.

But still, opponents of same-sex marriage are going all out to beat up fears about the slippery slope.

In recent weeks we’ve seen them evolve from simply declaring same-sex marriage will lead to polygamy and polyamory, to trying to wedge the Greens and same-sex marriage advocates on the issue.

If we agree that ‘equality’ means equality for all relationships, we’re damned for allowing polygamy and polyamory. If we disavow polygamy and polyamory, we’re damned for not sticking to our principle of ‘equality’.

As far as wedges go this one is pretty weak. It shows a profound misunderstanding of what marriage is and contempt for the common sense of the majority of ordinary Australians who support same-sex marriage but not multiple-partner relationships.

It also shows willful ignorance of why many same-sex couples want the right to marry.

We want to participate more fully in family and community life.

We want to share in the values and traditions of marriage.

We want to be included in the universal language of love and commitment that marriage provides.

In short, we want to be part of the institution as it currently exists.

As a polyamory advocate recently wrote, there is ‘a utopian element’ to such relationships. This will appeal to some idealists, but this is not what the movement for same-sex marriage is fundamentally about.

That movement is about the inclusion and integration of gay people into society as it is now.

I believe gay integration is what the opponents of same-sex marriage fear most. That is why they are whipping up fears about polygamy and polyamory.

This kind of fear mongering not only confuses the same-sex marriage debate. It also speaks to old stereotypes of gay people (particularly gay men) as sexually radical, promiscuous, irresponsible and bizarre.

If you still believe all gay guys are inveterate sex fiends who want nothing more than lots of sex with lots of partners, and want that way of life affirmed, then all this talk of recognising multiple partners will confirm your prejudice.

Seen this way, blaming gay Australians for some hypothetical slippery slope to multiple-partner marriages is even worse than blaming heterosexuals for wife burning and infanticide. It brings back the crushing stereotypes that have so devastated the lives of gay people in the past.

We’re seeing here is the re-emergence of public homophobia in a new but no less damaging form. That is why every Australian who cares about a respectful, unprejudiced public discourse must take a stand against this new fear campaign.

Rodney Croome is the National Convenor of Australian Marriage Equality and was made a Member of the Order of Australia in 2003 for his gay rights advocacy. He is co-author of ‘Why vs Why: Gay Marriage’.

The greatest revision of belief within the Judaeo-Christian faiths since the Reformation is underway. It is a bruising process with skirmishes erupting regularly around the globe. Conservatives are still winning, but progressives are gaining.

Six Roman Catholic bishops in Victoria wrote to their flock last week urging them to lobby politicians with their views on same-sex marriage. This is in response to proposed legislation in the federal Parliament to extend marriage to gay couples. “A grave mistake will be made if such legislation is enacted,” the bishops warned. On 2 April, 35 other faith leaders produced a contrasting letter urging Christians and Jews to support the marriage reforms. Signatories included respected Evangelical elder statesman Rowland Croucher from Melbourne, Jewish Rabbi Shoshana Kaminsky from Adelaide and prominent clergy from the Uniting, Anglican, Apostolic Johannite, Metropolitan and other churches across Australia. These letters are significant both for Australian politics and the future of the religious bodies.

The second, progressive letter effectively neutralises the impact of the first on any wavering MPs. Hence this lessens the pressure representatives have been under in the past to maintain the marriage status quo.

This pressure has been substantial in Australia and elsewhere. The five European nations (out of 38) that have legislated to ban same-sex unions: Lithuania, Moldova, Monaco, San Marino and Vatican City, are those most under Catholic or Orthodox influence.

For the churches and synagogues, the shift towards accepting gay couples into membership is of monumental importance. These religious bodies are effectively acknowledging they have been condemning people to hell for centuries, wrongly. For the conservatives resisting this reformation, the stakes are just as high: to change now is to cave in to the liberal secular lobby and abandon the true faith practised for 2,000 years and longer for the Jewish community.

Genetics, human physiology and psychiatry have shown that same-sex orientation is natural, healthy, not reversible, not contagious and poses no threat to anyone.

Four factors are impelling this shift towards accepting same-sex unions.

First, from science. Genetics, human physiology and psychiatry have shown that same-sex orientation is natural, healthy, not reversible, not contagious and poses no threat to anyone. From anthropology and sociology we know about four per cent of the population are homosexual and another four per cent bisexual. And has been so forever.

Paediatrics and behavioural sciences have shown same-sex parents are just as effective as heterosexual parents in child-rearing outcomes. Zoology has confirmed that a small discrete percentage of same-sex couplings occurs in all gregarious bird and animal societies. So if gay sex did not originate in San Francisco in 1969, but is a normal part of God’s diverse creation, why does The Bible condemn homosexuality? Okay, dopey question for rationalists but a critical one for people of the Book.

Which brings us to the second significant recent shift: the biblical texts.

Jews and Christians believe God reveals his truth...
through both nature and Scripture. The two cannot be contradictory as God authored both. History has taught painfully that when they appear to conflict, science has been right and Scripture wrong. Or, more correctly, the traditional interpretation of Scripture has been wrong. Revolving earth or sun, schizophrenia versus demon possession, evolution versus creation in six days. All ferocious bouts between science and The Bible saw science won by knockouts.

Hence there is a willingness today to admit to error which has not always been apparent. Okay, some denominations are yet to abandon infallibility completely, but a shift is underway. Biblical historians now increasingly think that The Bible condemns homosexual rape, temple prostitution and coercive or abusive acts. But not loving, monogamous same-sex unions, as previously misinterpreted.

One-man-one-woman marriage is clearly not the only option in the Judeo-Christian texts. Polygamy and concubinage are fine in certain situations. The intense love affair between David and Jonathan is nowhere condemned. Nor are any of the other biblical same-sex unions. The evidence of Scripture today, as with the natural law, suggests God is cool with variations.

The third area of discovery is in church history where heterosexual marriage has not been the only approved union. The very early church actually advocated celibacy and only reluctantly approved any partnership at all. Not until the 12th century did marriage become a sacrament. One-man-one-woman marriage as we know it today dates from the 16th century.

Yale University’s Professor John Boswell unearthed controversial evidence in the 1970s that condemnation of same-sex unions is actually relatively recent. The church in earlier times, he claimed, accepted and celebrated them. So when the six Catholic bishops say “the Government cannot redefine the natural institution of marriage, a union between a man and a woman”, the response today is “why not?”

The fourth, and for some the clinching discovery, is that gay and lesbian pastors, teachers and leaders actually do a great job. As do LGBT congregation members as they participate more and more.

These four factors are leading many Jews and Christians worldwide to welcome LGBT people and support gay marriage. It is not yet a majority. But heading that way.

Not until the 12th century did marriage become a sacrament. One-man-one-woman marriage as we know it today dates from the 16th century.

In May last year the conservative Presbyterians accepted gays in ministry in both the USA and Scotland. Other denominations are following. In the Roman Catholic church pressure is building. Change is being urged from within. The matter of active homosexuals in the priesthood is now in the open. The impact of legitimate gay marriage on recruiting priests is being discussed. But no one expects change soon.

The world is changing. Churches and synagogues are changing. The battles, however, have a way to go.

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Marriage equality is a controversial issue with opponents of reform predicting dire consequences. But when social scientists like myself look closely at those societies where reform has occurred, what we see is very different.

First of all, the impact on same-sex couples and their families has been positive and profound. A range of studies have shown that marriage leads to improved mental and physical health, findings cited the American Psychological Association when it endorsed marriage equality in August last year.

Allowing same-sex couples to marry has also produced similar positive effects in Massachusetts and The Netherlands, according to studies conducted by my colleagues and me at the Williams Institute at UCLA.

We found that over 70 per cent of married same-sex couples felt marriage had increased the level of commitment in their relationship.

The same percentage of same-sex partners felt more accepted and legitimised within their broader families and communities, with a common response being that being married made it easier for other people to understand and affirm their relationship.

Children, in particular, benefit from marriage equality. More than one quarter of the same-sex couples we surveyed were raising children and almost all of these couples said their children were happier and better off as a result of their marriage.

Many parents reported that their children felt more secure and protected. Others noted that their children gained a sense of stability. A third common response was that marriage allowed children to see their families as being validated or legitimised by society or the Government.

It was also clear from our research that lesbian and gay people see alternative ways of granting legal status, such as civil unions or registered partnerships, as inferior social and legal statuses.

Same-sex couples believe civil unions make a statement about the inferiority of gay people generally. They react with disdain to such unions as “a bit of nothing” and reject the dry accounting-like connotation of “registered partnership”.

When same-sex marriages are allowed same-sex couples and their families are strengthened, marriage is not weakened, and the economy benefits.

This disdain for civil unions is reflected in take-up rates. In those US states that have allowed same-sex marriages, 30 per cent of same-sex couples marry in the first year. In states with civil unions, only 18 per cent take up the option.

In my research I have also looked at whether the dire predictions of the opponents of same-sex marriage have come to pass.

Take the fear that marriage as an institution will somehow be demeaned or degraded by same-sex marriages.

What I have found is that in those places with marriage equality heterosexual couples continue to marry at the same rate as before. Indeed, overall marriage rates have actually increased in some places.

Opponents of marriage equality also predict an increase in children born outside wedlock and divorce. But I found that where these trends can be seen, they existed long before same-sex couples could marry.

Finally, there is the economic impact of marriage equality, or what I call the icing on the wedding cake. Our research shows that same-sex weddings injected significant spending into local economies. For example, the wedding spend of same-sex couples in Massachusetts, which includes a large number of out-of-state couples, was $111 million from 2004 to 2009.

If we make the same calculation for Australia we can see that marriage equality would contribute $161 million in new spending to the national economy over three years.

To reach this figure we multiply the ABS Labour Force figure for the number of same-sex couples (33,000) by the percentage who say they will marry (54 per cent) by a quarter of the average heterosexual wedding spend (just over $9,000). All of these figures are conservative estimates so the final economic boost will probably be much higher.

We also calculate that if an Australian state government were to move first on the issue, it would gain a large slice of this wedding spend. In the case of Tasmania, we estimate the economic windfall to the state’s economy, particularly from out-of-state couples marrying, would be as high as $96 million over three years.

Overall, the experiences of marriage equality in the US and Europe suggest that when same-sex marriages are allowed same-sex couples and their families are strengthened, marriage is not weakened, and the economy benefits.

As parliament moves toward debating marriage equality in the next few months I urge Australian politicians to put rhetoric aside and look at what has actually happened overseas. When they do they will see Australia can only gain from this timely reform.

Lee Badgett is Professor of Economics at the University of Massachusetts and Research Director of the Williams Institute on Sexual Orientation Law and Public Policy at the UCLA School of Law.
WHAT HARM WOULD SAME-SEX MARRIAGE DO?

Recognising same-sex marriages as equal in the law to heterosexual marriages may reinforce the ongoing historical reality that marriage is ‘an honourable estate’ which ‘should not be entered into lightly’, observes Don Edgar.

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ould Sesame Street’s Bert and Ernie be allowed to marry, as a same-sex couple setting new norms for the world of children’s TV? Prime Minister Julia Gillard would probably not agree. Gillard insists that her ‘conservative upbringing’ will not allow her to accept marriage as anything other than the union of a man and a woman. Presumably her conservative upbringing was put on hold when she decided to ‘live in sin’ with her male partner Tim Mathieson. She cites no religious reason for opposing gay marriage, being a professed atheist, merely the conventional past. She seems not to understand that marriage under the Act is already a ‘civil union’, not a fixed moral law or a religious sacrament to be preserved at all costs.

The looming Labor Conference debate on gay marriage will be a defining moment not just for the Labor Party but for the whole of Australian society. Already several States recognise what they call ‘civil unions’ which give same-sex partners equal rights to medical decisions if one is ill, to state superannuation and property distribution rights if they split up. The Marriage Act is under the purview of the Commonwealth, not the States and Prime Minister Julia Gillard is being called upon to allow a conscience vote in Parliament to test the waters. That is what should happen.

Marriage has a long and varied history, of which opponents of gay marriage seem to be ignorant.

With very few exceptions, marriage has been monogamous, secular and personal. It was an arrangement between two families (the two individuals had varying say) for the purposes of regulating the natural sexual instincts of young people, consolidating and managing family property, ensuring procreation and the passing on of a legitimate family name, and protecting the rights of both partners (though more the male’s than the female’s) and the rights of children born or raised within the marriage.

Gay marriage threatens none of these traditional goals. Indeed it may make for greater social stability and certainly ensure the equal rights of all partners who agree to accept marriage’s legal obligations and responsibilities.

In early Greek and Roman times marriage was virtually compulsory, the single man being ridiculed and denied important public roles. Even the Spartans who openly practised homosexuality had to marry and have children. It was good for society. As Demosthenes put it, “We have prostitutes for our pleasure, concubines for our health and wives to bear us lawful offspring.” The word ‘lawful’ is the key word here. It was St Paul who wrote, “Better to marry than to burn.” (1 Corinthians 7:9) Nowadays you don’t have to. But marriage still serves important legal and social purposes. Islam enjoin its adherents to marry “for the greater community”.

Early Christianity accepted Roman law, with marriage seen as a civil and private arrangement, but stopped penalising singles because celibacy came to be seen as a desirable state. It stopped the barbaric northern European practice of ‘sale marriage’ (which gave us the wedding ring as a down payment on the full ‘bride price’ paid on delivery) and thus improved the status of women and gradually civilised marriage customs. Indeed in Europe, even after the Catholic Church declared marriage was a ‘sacrament’, it was still seen to spring from the free consent of two partners.

Most marriages throughout history were not religious, but what we call common law marriages – some consensual, recognised simply by living together for one year, others marked by a commitment ceremony with witnesses. Up to the tenth century, most such ceremonies took place outside the church door and it was not until the thirteenth century that the priest took charge. It was a practical, economic affair, a union of convenience which improved the capacity of an individual man or woman to survive and thrive and joined two families in mutually advantageous kinship. To say that marriage was not yet a ‘romantic’ matter of love and personal choice (given arranged marriages and patriarchal control) ignores both the sexual urges of youth and the reality that even intimacy after rather than before marriage can lead to love.

But the 16th century Protestant Reformation set the cat amongst the pigeons. Luther declared marriage “a worldly thing” that belonged to the realm of government. Calvin agreed. So the Catholic Church’s response at the 1563 Council of Trent was to denounce all common law marriages, insist on having unions ratified by a priest and two witnesses. It imposed complex impediments to marriage (through the ‘banns’) such as blood relations to the seventh degree, family affinity and godparent relationships and, most significantly, it abolished divorce. The Catechism of 1566 spelt out the definition of marriage as a union between a man and a woman (i.e. heterosexuals only) and indissolubility for life, “until Death do us part”. This is the bottom line for those who oppose homosexual marriage.

The Church hung on for centuries, losing the battle against secularism and the power of the State, but not against a broad acceptance of that basic definition. The French Revolution made civil marriage compulsory, regardless of whether a church service was held; Bismarck imposed State control over the institution of marriage in the 19th century, returning marriage to its traditional status as a legally binding economic and social contract between two consenting adults. This was an important
step in the bureaucratic rationalising of modern society. The poet John Milton was a bit ahead of his time, arguing that divorce was a must when mutual love was lacking and marriage had become a sham. But it is that sentiment that informed the new no-fault divorce laws of the twentieth century, based on the breakdown of an agreement between two equal partners. It is the quality of the relationship that matters.

This left the protection of partners’ and children’s civil rights as the main reason for having a legally recognised marriage of any kind. Today, sex is easy to have outside marriage, and long-term sexual partnerships take the place of formal marriage for many. In countries with an over-population of youth, such as China (with over 18 million more young men than women) social instability threatens with bride kidnapping and hormonally riotous (and often unemployed) youth having no ready outlet. They may have to encourage homosexual relationships!

The problem then is no longer the regulation of sexual behaviour, but the legal rights and responsibilities of the partners and the care of children. The economic value of mutual care and financial support through marriage is clear from the growing cost of welfare support for single mothers and research clearly supports the view that two parents are better than one in the raising of children. A violent or unhappy marriage is not good for children, but divorce also often involves ongoing conflict, unstable housing and schooling, poverty and disadvantage. Australia’s marriage rate has declined by a quarter since the 1980s. We should be encouraging and supporting marital stability, regardless of the sex of the parents.

Marriages are no longer arranged, between families; mutual consent is all that’s required. If gay couples want to marry and declare a lifelong commitment, to make their love and mutual support public, what harm can there be in that? Far better to have a publicly declared commitment than an unstable sexual relationship lacking any legally binding and reciprocal responsibilities and social obligations.

In Australia, we have already recognised that ‘de facto’ couples are virtually the same as legally married couples: they have equal rights to shared property, finances, superannuation. Their children (whether natural, step or adopted) have rights of care from both de facto parents in the same way as do children of married parents, and those parents have a shared responsibility to care for them after separation. It is ironic that the law recognises this more unstable form of relationship but denies recognition to same-sex couples who want to take on the legal obligations of formal marriage. Significantly, in recognising the social reality of couples ‘living together’, the law insists on their responsibility to children and on the economic equality of the partners.

There is no reason why this should not hold with homosexual couples, but the law currently does not recognise the rights of gay partners, or the rights of children, who may be born of one natural partner, with a donor parent, or even a surrogate parent, in the same way as married couples can become parents through adoption, surrogacy or in vitro fertilisation. Case after case can be found of lesbian couples agreeing to one partner conceiving, having a child, then breaking up and the ‘birth mother’ denying the other ‘parent’ access to their mutually agreed-upon child. Neither married nor de facto couples can get away with that.

Being a parent is not just a biological fact; it is a social status which carries responsibilities to the child. There have been traditional societies where several ‘visiting uncles’ have sex with a woman who conceives; then one visiting male is nominated as the social ‘father’, regardless of whether genetics would prove him to be the biological sire, and he carries that responsibility to help raise the child for the rest of its life. That form of social parenting is, in our society, made ‘legal’ parenting where a child is adopted or artificially engendered, and any child whose family is so dysfunctional they cannot act as responsible parents is made a ward of the State as the ‘legal parent’. While we might argue that no adult has the ‘right’ to become a parent (a notion that leads to anguish when they cannot conceive), every child born through whatever technique, has the ‘right’ to have two parents – we designate two parents as responsible for each
child's upbringing. That is why it is of more import to resist single-motherhood, or single-person adoption than it is to resist homosexual adoption, same-sex marriage or mutually-agreed conception.

So the remaining objection to same-sex marriage is religious and moral. Given that church and state are supposedly separate in a secular democracy, to continue insisting on a religiously-derived definition of marriage is an historical anomaly. The law long ago took control of the marriage contract away from the Church, but it left intact the notion that only a man and a woman could legally be married. Legislation should keep up with changing social norms. In Australia, we have legislation preventing discrimination on grounds of sexuality, yet this is a clear case of sexual discrimination. Social norms round sexuality are much more fluid and despite some continuing homophobia there is widespread acceptance that sexual preference is no one else's business. Well over half the population supports same-sex marriage; three-quarters believe it will eventually become a reality.

Australia is out of step with most of the Western world. Countries such as Sweden and Norway have long recognised same-sex marriages. The British Civil Partnership Act covers virtually all the rights of marriage. Several US States have legislated for marital equality, the federal government under Bush moving rapidly in its 1996 federal Defense of Marriage Act to deny federal recognition of those State laws. No US State has to recognise same-sex marriages ratified in other States, but the new Act did not forbid States to allow gay marriage. Same-sex marriage is still discriminated against through taxation and social security, so equality has not been achieved.

Similarly in Australia, the Howard Government moved to consolidate the 'man/woman/for life' definition of marriage, despite the fact that, for 100 years after federation in Australia, marriage had remained undefined. As Justice Alisdair Nicholson pointed out, even the Family Law Act ($43) injunction for the Court to have regard to 'the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life' was not really a definition at all. It harks back, he says, to Lord Penzance's 1866 definition which even then flew in the face of the 1857 Act stating that discrimination against same-sex marriage is in contravention to the International Covenant on Civil and Political Rights provisions relating to non-discrimination and to arbitrary interference in privacy and the family. And the High Court of Australia in 1996 observed that the concept of marriage was never frozen in time. Nor, it must be noted, was the acceptability of homosexuality, even within the confines of religion. Social practices and norms change and, in time, the laws must recognise that change.

Finally, it must be noted that in those countries that have already recognised gay marriage, the evidence is clear: it does not undermine social morality or lead to undesirable effects. On the contrary, in Sweden, heterosexual marriage rates have increased 30 per cent; similarly in Denmark, with the added result of lower divorce rates and fewer children born out of wedlock, both surely desirable outcomes. Canada reports a lower divorce rate for same-sex couples and the American Academy of Pediatrics reports that children with gay parents fare as well as those with heterosexual parents on all measures of emotional, social, cognitive, and sexual functioning. Studies repeatedly find that marriage benefits the health and wellbeing of the partners too. It is (as with single-parent, step, de facto and married couple families) the nature of the relationships within that family that matter, not its formal 'structure' or type.

The Churches (and Australia's Labor Government) have to accept that marriage serves secular needs, not spiritual goals. Marriage is a fundamental social institution which recognises and regulates adult couple relationships. In the Canadian debate about same-sex marriage, Ottawa Justice Laforme held that a 'civil union' is still an 'alternative' status, equivalent to the segregation of black and white students in pre-Brown vs. Board of Education US civil rights times. The State already controls the institution of marriage as a secular institution; it is the State's responsibility to guarantee the rights and responsibilities of all adult partners and of children born from or being cared for within that partnership.

As a matter of individual choice, couples with religious beliefs can already opt for a church marriage (the church being registered by the State to certify legal marriage), though over 60 per cent today choose a non-church ceremony using a registered civil celebrant. The Church could still insist on not conducting or recognising any same-sex marriage (being immune from anti-discrimination laws) but that would be irrelevant to same-sex couples who simply want full legal recognition of their commitment to one another. Where the State must continue to be vigilant is in the area of mutual care and responsibility for children who may become part of that same-sex marriage (by whatever path), and in ensuring that gay partners have the same financial and legal rights as those already granted to both heterosexual and de facto couples.

Legal recognition is not the same as moral approval and same-sex couples have done no harm, so we should get over whatever ingrained repugnance some may feel towards homosexuality and allow those who want to live within the legal restrictions and obligations of formal marriage do so. The current law is out of step with changing social norms which, history shows, are never immutable as human relationships adapt to new circumstances. Indeed, recognising same-sex marriages as equal in the law to heterosexual marriages may reinforce the ongoing historical reality that marriage is 'an honourable estate' which 'should not be entered into lightly'.

Dr Don Edgar was founding Director of the Australian Institute of Family Studies and is a member of the Victorian Children's Council.

The issue of same-sex marriage in Australia is fraught with associated problems that confuse the central issue. These problems range from a residual opposition to same-sex relationships on the social and political level to the religious consciences of those who see them as sinful and immoral.

Opponents of same-sex marriage claim that allowing such couples to marry will lead to a degrading of marriage in society and, indeed, to the value of family life itself. Simply speaking, the floodgates will open and society will be consigned to the slippery slope where values and morals become redundant. Understandably, emotions are running high.

Rather than have recourse to the classical history of ancient Rome and Greece where, it is claimed, same-sex marriages were accepted and formalised (until proscribed in the Christian Church by the Theodosian Code of 324 CE) it would be more illuminating to scrutinise more recent history.

In the last forty years same-sex love has gone from being a criminal offence, and subject to persecution and violence, to being recognised by legislatures around the world. Laws have changed to reflect positive developments in the areas of property ownership, superannuation, and inheritance. Correspondingly, negative elements have been eliminated by laws that outlaw various forms of discrimination in housing, employment, healthcare and even religious groupings.

In 2008, for instance, in the state of Victoria legislation was passed (Relationships Act 2008) allowing a record of enduring relationship to be established, even retrospectively, which can then be used as evidence to substantiate the actual “life” of a relationship. This is referred to as “registering a domestic relationship”.

Objectors distinguish between this laudable advance in liberal democratic rights and the much more serious step of legalising same-sex marriage. They claim that such a step is totally unnecessary as rights are already protected and enshrined in our laws – so, why put heterosexual marriage and the family unit in danger? Some of these people are even happy to endorse civil unions, which formalise same-sex love in a way similar to marriage.

The sticking point, of course, is that these unions cannot and should not become marriages in the same sense, socially and legally. Proponents of change talk in terms of a minor word change to the Marriage Act of 1961 but opponents see this as simplistic and having huge social ramifications.

Article 16 of the Universal Declaration of Human Rights states: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.” The right to marry, therefore, is recognised as a basic human right and applies to all men and women equally.

Equal opportunity for gay couples in permanent care orders (close to but not the same as adoption rights), surrogacy and IVF technology also seems to confirm this right. It is contradictory that one right is recognised and not the other.

An obvious roadblock is our definition of marriage. In most people’s experience marriage means man, woman, and procreation. Over the years, however, not all couples choose to have children and couples marrying or re-marrying in their
Sixties and seventies are unable to. Can our definition be revised to reflect these relationship changes? The answer must be yes.

Two hundred years ago wives were regarded as legal property of husbands. In the past divorce was forbidden by law. Inter-racial marriage was once outlawed but is now accepted. The forces of history, tradition and common parlance argued against these changes.

Civil marriages comprise 70 per cent of all marriages in Australia, and increasing, and almost the same percentage of Australian citizens favour same-sex marriage. This figure, too, is on the increase.

Research reveals that, since 2001, a growing number of countries have legislated in favour of same-sex marriage. These states include The Netherlands, Spain, Canada, South Africa, Norway, Portugal, Mexico, Sweden, Belgium, Iceland and Argentina, and now some seven American states. In other places such as Israel and Tasmania, governments recognise same-sex marriage but do not perform them.

While some argue that such growing numbers do not automatically make it right nevertheless some democracies are able to recognise and accept differences in sexual preference and are prepared to use political will to protect the rights of all its members.

When it comes to sexual preference some people feel decidedly uncomfortable. They manifest an unwillingness to be involved in the discussion and refuse to engage in any decision-making about it. They baulk at what seems such radical and risky change. On what is their fear based?

Surely we have gone beyond the AIDS threat, pedophilia and a sense of moral repugnance. If some find it hard to believe that two gay people can love each other with as much passion, sacrifice and generosity as married couples, then I can understand their reluctance. Surely advocacy, testimonies, familiarisation and self-education will help us support those gay people who have a deep desire for marriage equality.

Not all gay couples are advocating same-sex marriage so what drives those who desperately seek marriage equality under the law? Already they enjoy legal protection and a sense of financial security. The UK Civil Partnership Act 2004, for instance, provides for recognition of rights relating to property, inheritance, social security and pension benefits, next-of-kin rights and life insurance, amongst other rights.

Are we talking then about more than just a marriage certificate? Is it an issue of personal identity? Is it about having a place in society where people can recognise who you are and be aware of your marital status? Heterosexual couples assume this as a matter of course.

From the highest governing body down to the simplest family barbecue people know where they stand and how they relate: Mr and Mrs Citizen receiving official mail; owning and operating joint bank accounts grants a certain authenticity to (or at least a vote of confidence in) the marriage relationship; employers sometimes preferring the seemingly valid partnership.

Is there a suitable way forward that will satisfy those agitating for change and placate the anxious? The old adage of “politics being the art of the possible” is never more applicable.

France’s custom could well merit our serious consideration. There, all couples are married under civil law by the local Mayor. Couples and families are then free to celebrate their own marriage rituals in their traditional place and manner: culturally, religiously or secularly. The secular reality of marriage is thereby affirmed and religious communities retain responsibility for their own sense of the sacred.

Adapting this model in Australia for same-sex marriages would also clarify boundaries between church and state.

John Murphy is a civil celebrant studying Australian History at Monash University. He is a retired librarian and a former Catholic Priest.
MARRIAGES, WEDDINGS AND SAME-SEX COUPLES: A NEW APPROACH

Let the Australian Government determine whose relationship should be recognised as a marriage and leave the religious-based bodies to decide which of those civil marriages they are prepared to recognise in the form of a religious wedding ceremony, suggests Peter Norden

For 30 years I conducted weddings within the Catholic Church. Over that time, I estimate that I conducted services for around 1,000 couples.

Now I am a civil marriage celebrant it is interesting to compare the roles in the light of the current debate about the possible recognition of same-sex marriage.

Recently, as I was conducting a civil marriage ceremony, I recited the required ‘Howard clause’, namely: “We all know that in Australia marriage is the commitment of a man and a woman, to the exclusion of all others ...”. Seated in the front row was the groom’s daughter with her female partner and his son, accompanied by his male partner. Such changed family structures and relationships have added to the desire of the Australian people not to exclude our same-sex attracted brothers and sisters from respect and recognition of their committed relationships.

More than 60 per cent of Australians support some form of recognition of same-sex unions, and this figure is building month by month.

The question that is being hotly debated though is whether they should be granted the same form of recognition as their heterosexual peers. Should there be full recognition in the form of a marriage contract, or should there be at least a civil recognition of their union?

As the Australian Labor Party prepares to consider this issue at its forthcoming national conference, around the country the forces of opposition to recognising same-sex unions are mounting, particularly around the work of the Australian Christian Lobby, the Catholic Church and Family Voice Australia.

While 64 per cent of Australians identified themselves as ‘Christian’ at the previous census, the majority of those are affiliated with the mainstream Catholic and Anglican Churches, whose membership makes up more than 80 per cent of Christian church affiliation throughout the country: about 9 million Australians.

Some of the most strident Christian lobby groups, on the other hand, have a very small constituency, but a loud voice in Canberra. The question is: what percentage of Australians do their groups represent and should they be listened to?

Recent news polls indicate that now more than 60 per cent of Australians support some form of recognition of same-sex unions, and that this figure is building month by month. This is despite the entrenched and increasingly organised opposition from the Australian Christian Lobby and Family Voice Australia (formerly the Festival of Light).

The orchestrated campaigns now underway to oppose any form of recognition of same-sex unions appears to divide the country into two groups: those opposed and those in favour.

Yet the growing groundswell of public opinion suggests that there may be a need to reshape these options based on a new way of thinking about how our country recognises the civil union of two consenting adults in the coming years.

Reflecting on more than 30 years of service as a Catholic priest and the experience gathered in meeting with so many couples as they applied to have their relationship recognised in the Catholic Church, I believe that there is a need to change the way the federal government delegates responsibilities to church affiliated marriage celebrants.

Working as a Catholic priest, I knew that I was instructed to exclude couples who did not desire to have children as part of their marriage commitment.
In addition, the Catholic Church did not recognise the legal dissolution of a previous marriage by the federal government. If one partner had previously been married in a Christian church ceremony, despite the fact that a civil divorce had been obtained, they were not eligible to be married within the Catholic Church.

The only way for the marriage to be able to proceed within the current Canon Law regulations was for that previous marriage to be recognised as invalid from the beginning, through a lengthy and incredibly onerous annulment process requiring the participation of both partners to the previous 'attempted' marriage. It did little to support the circumstances of the children of that previous 'attempted' marriage, as they dealt with the complex relationship changes occurring in the lives of their mother or father.

My experience as a Catholic priest performing marriages showed me that the Catholic Church failed to recognise the current government regulations, with respect to divorce and future marriages and raised for me the question as to whether that situation should now lead to a review of the delegation of powers to perform civil marriage ceremonies to church affiliated bodies, particularly when their views about who should be able to contract a marriage are opposed by the majority of Australian citizens.

Church bodies would say: if you don’t want to play by our rules, then you are entitled to get married in a civil ceremony and have your union recognised that way.

I ask whether the question should be put another way: should not the federal government retain the right to decide who can access marriage in this country, and control those arrangements with respect to the recognition of a civil marriage and not allow church bodies to access that realm. For those Australian citizens or residents who wish to have their civil marriage blessed in some subsequent religious ceremony, let them be free to do so, if they so choose.

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For those Australian citizens or residents who wish to have their civil marriage blessed in some subsequent religious ceremony, let them be free to do so, if they so choose.

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Such a review of the present arrangement would present a third possible solution within the current entrenched debate about the recognition of same-sex unions. This third option would allow two adults who have never married, or who have married before but have been divorced, to be free to have their committed union recognised as a marriage by the state. Religious bodies would no longer have the delegated authority to conduct ceremonies that are recognised by the state, and could be left to decide which of those civil unions they would be prepared to recognise through some form of religious ceremony or blessing, at a later date.

This third option which would be open to both heterosexual and homosexual couples would be managed by the civil authority alone and would present a way around the present unresolved conflict in the debate between those church affiliated groups who have an entrenched opposition to providing equality or recognition to the commitment of gay and lesbian couples at the present time.

Let the federal government determine whose relationship should be recognised as a marriage in this country and leave the churches and religious-based bodies to decide which of those civil marriages they are prepared to recognise in the form of a religious wedding ceremony.

Peter Norden, A.O, is a Vice Chancellor’s Fellow, in the Melbourne Law School at the University of Melbourne.

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The Drum, Opinion, 24 August 2011
ABC News | www.abc.net.au/unleashed
Last Wednesday was National Marriage Day, an initiative of the Australian Family Association in partnership with the Australian Christian Lobby. It was organised to pre-empt MPs reporting to parliament on the views in their electorates about same-sex marriage, set down for the following day. In other words, to head off any legislative move towards same-sex marriage spurred on by public opinion.

The organisers said it was "now more urgent than ever to gather your friends, neighbours, church group and colleagues and come to Canberra ... to support natural marriage".

No wonder opponents of gay marriage are mobilising. You don’t have to be a gay activist to advocate same-sex marriage these days. According to a Galaxy Poll in June 2007, 57 per cent of the population supported same-sex marriage. In October last year it was up to 62 per cent. Change is a-coming, but sadly not just yet.

The politics of supporting gay marriage are mobilising. You don’t have to be a gay activist to advocate same-sex marriage these days. According to a Galaxy Poll in June 2007, 57 per cent of the population supported same-sex marriage. In October last year it was up to 62 per cent. Change is a-coming, but sadly not just yet.

The politics of supporting gay marriage are less compelling than the merits of doing so. The religious affiliations of powerbrokers, especially in the Liberal Party, and the wedge issue gay marriage is, especially in key outer metropolitan marginal seats, make it hard for even a conscience vote on gay marriage to pass through both chambers.

Even though over-50s are the only age bracket with less than 50 per cent support for gay marriage (46 per cent in favour), that demographic dominates the parliament (122 of 226 MPs and senators). However, recognising the political problems is no barrier to outlining the shallowness of the case against removing this discriminatory exclusion of homosexuals.

The notion that marriage has always been between a man and a woman to the exclusion of all others hasn’t been subjected to significant changes in the past and is therefore a tradition that should continue to exclude same-sex couples is used to justify opposition.

John Howard briefly flirted with opposing gay marriage to ensure the “survival of the species”. Targeting gay couples as a threat to procreation is valid only if one expects them to deny their personal tendencies and marry heterosexually. Using that logic, Howard must be over the moon about Penny Wong and her lesbian partner’s IVF baby.

Where advocates of same-sex marriage go wrong is when they argue that access to the institution of marriage is about gay rights. It’s about gay responsibilities and human rights. The responsibility side of the equation is already in place. Same-sex couples enjoy (and endure) pretty well equal spousal recognition under the law: de facto rights, superannuation rights, access to IVF and adoption. However, they do not have in this country the human right to marry.

Plenty of jurisdictions overseas have changed laws regarding same-sex marriage, the latest being New York. But in 2004 the Howard government amended the 1961 Marriage Act to ensure legally married same-sex couples overseas would not receive legal recognition here in Australia.

Denying gays the nomenclature of marriage is important to some people. The Howard government’s amendment to the Marriage Act is but one of many through the years. And it is but one of many adjustments to the institution of marriage and how it has been viewed since the days of earlier civilisations, including as detailed in The Bible. Yet somehow tradition is used as the bedrock for arguments in opposition to gay marriage.

From the Old Testament we know that Abraham, Jacob and David took multiple wives, as did many others in those times.

In the 5th century, St Augustine sought to justify why multiple wives had gone from being acceptable to...
taboo: “As regards nature, [Jacob] used the women not for sensual gratification but for the procreation of children. For custom, this was the common practice at that time.”

In other words, having more children justified having more wives. It’s logic that would also allow Wong and her partner access to IVF “for the procreation of children”. It highlights the evolving nature of the institution.

In the US, blacks once weren’t permitted to marry whites. In Australia in 1918 the government ordered that Aboriginal women in the Northern Territory were allowed to marry non-Aboriginal men only with the permission of the Chief Protector.

Divorce used to be prohibited across Western societies. Women last century had few formal rights in marriage. (In Britain a husband was allowed to beat his wife with a stick, as long as it was no thicker than his thumb.) Traditional marriage vows (past and present) require women to obey men. In 1991 the government increased the age at which women could get married, from 16 to 18: another adjustment to this traditional construct, which for supposedly traditional reasons can’t be opened up to homosexuals.

Arguments that same-sex couples should not be allowed access to marriage because of tradition are absurd. Marriage has been defined by its evolution. What today’s traditionalists claim can occur only between “a man and a woman” has previously occurred between two men, between a man and multiple women, was denied between blacks and whites, subjugated women, has seen age adjustments and previously had to last a lifetime.

Australia’s Marriage Act 1961 only included the terminology of marriage being between “a man and a woman” in 2004.

In fact, Australia’s Marriage Act of 1961 included the terminology of marriage being between “a man and a woman” only in 2004. Before that, it was a matter of customary law which, by definition, is open to evolution.

I would have more respect for opponents of gay marriage if they simply stated they didn’t want homosexuals to have access to it. It would carry the virtue of honesty, if also the vice of bigotry.

Once upon a time marriage was a religious institution, yet today atheists can marry outside of church ceremonies (many even do so in church) because ours is a secular society. If particular churches want to refuse to marry same-sex couples because they believe doing so violates their religious teachings, that should remain their right.

However, for the state to also exclude homosexuals will sit, in 100 years, beside other discriminatory laws that have already been overturned.

Peter van Onselen is a Winthrop Professor at the University of Western Australia.

First published in The Australian 20 August, 2011
Legalise gay marriage, what’s the harm?

**Andrew Tiedt** is convinced he is not the only person in the country who believes homosexuality is sinful but who also believes gay people should be allowed to marry.

I’m a Christian. I go to church, I lead a bible study once a week, and I believe in *The Bible* and what it says. Consequently, I believe that homosexual sex is sinful. While we’re on the topic, I also believe the following things are sinful: gossip, deceitfulness, hatred, and prejudice.

But you notice something about all the sins in the above paragraph. Every single one of them is 100 per cent legal. Not everything that I think is sinful is illegal. And neither should it be. Even if something is seen by the entire community as sinful (or immoral, depending on your term of reference) that is not sufficient in and of itself to mean something should be illegal.

A particularly pertinent example is homosexual sex. I don’t think there are many people in Australia who want to see a return to the days where homosexual sex was illegal. This is despite the fact there is a fairly decent proportion who think homosexuality is immoral.

Most of Australians are, for the most part, pretty much live-and-let-live kinds of people. “What you do in the privacy of your own bedroom – as long as you don’t expect me to join in.”

I agree – while I have my own views about what is or is not in accordance with God’s teaching, I believe that what you do with your own life is between you and God, and it’s really none of my business.

Pre-marital sex is legal, and so it should be. So is pre-marital cohabitation, open marriages, and that sex toy you keep locked in the bottom drawer.

People can get divorced, they can remarry, they can cohabit before being married, and they can legally have all manner of relationships outside marriage.

And yet, for some reason, we have this position where homosexual couples cannot get married.

Why?

The main reason that we see proffered by the religious right is the children. The children! Who will think of the children?

It’s a weak argument. Single people can have children. Lesbians can have children. Gay men can get their lesbian friend to bear children for them.

We don’t (and, in all practicality never could) stop a certain class of people having children. There are kids being brought up in ‘alternative’ homes all over the country. To suggest that homosexuals should not be allowed to marry because “All children deserve a mother and a father” is simple misdirection.

There are people who believe that homosexuality is contrary to God’s teaching. There are others who think it is fundamentally immoral, or contrary to nature. To believe that is their right.

But I am convinced that I am not the only person in the country who thinks that you can believe homosexuality is sinful whilst also believing that gay people should be
DENYING GAY MARRIAGE WILL ONLY HURT THE CHILDREN

All families need to be treated equally, for the sake of the children. By Paula Gerber

The Convention on the Rights of the Child is a treaty that enjoys almost universal support, having been ratified by 193 countries, including Australia. It provides that in all actions concerning children, the best interests of the child must be a primary consideration.

Contrary to Nicholas Tonti-Filippini’s recent assertion (see page 29), a proper application of the principle of the best interests of the child leads to the incontrovertible conclusion that Australia should legalise same-sex marriage.

The Convention on the Rights of the Child acknowledges that the family is “the natural environment for the growth and wellbeing” of children, and should be afforded all necessary protection and assistance. Such protection and assistance applies to all families, not just to Tonti-Filippini’s preferred model of a mother and father with biologically related children.

The fact that same-sex couples in Australia are permitted by law to access reproductive services and foster children clearly demonstrates that our governments are satisfied that same-sex couples make fit and proper parents. It therefore makes no sense for the law to treat children being raised by same-sex couples differently from children being raised by heterosexual couples. Yet the exclusion of same-sex couples from the institution of marriage does just that.

In Australia, marriage is a secular institution (more than 50 per cent of marriages today are performed by civil celebrants) through which society recognises and supports couples and families, and is a form of public acknowledgment of, and respect for, personal bonds. It promotes financial and legal security, psychological stability, and a sense of societal acceptance and support.

Children whose same-sex parents do not enjoy the recognition and support that comes with marriage may suffer psychological harm as a result of the prohibition on their parents marrying. A study published in the prestigious American journal Pediatrics found that marriage increases the ability of couples to provide and care for one another and fosters a nurturing and secure environment for children. In other words, children who are raised by married parents (be they same-sex or opposite-sex) benefit from the legal and social status granted to their parents.

Denying same-sex couples the right to marry subjects the children of such couples to inequities, indignities and insecurities that can flow from being part of a family that is not legally sanctioned by society. A refusal to allow a child’s same-sex parents to marry sends a signal to society that such families are not equal in the eyes of the law, and that it is permissible to treat them differently.

One such family noted in a submission to the Victorian Law Reform Commission that: “The lack of legal recognition of and support for our families translates, in practice, to some people regarding our families as deficient, and problematic ... Laws that ... don’t recognise our families as families make it harder for or more awkward for some people to include us or interact with us and our children, and can make some people feel that they can or should treat us with a lack of respect or as though we are invisible or deficient.”

Anyone who doubts that same-sex marriage promotes the best interest of children need only read the heartfelt words of a 12-year-old child in a Canadian case:

“I would like my family recognised the same way as any other family, not treated differently because both my parents are women ... It would help if the government and the law recognised that I have two moms. It would help more people to understand. It would make my life easier. I want my family to be accepted and included, just like everybody else’s family.”

There was a time not that long ago when children born of unmarried parents were labelled “illegitimate” and subjected to social stigma. Let’s not repeat this same mistake, by continuing to treat marriage as an exclusive heterosexual privilege. If legislation is discriminatory – and the Marriage Act is – it signals that it is also acceptable for society to discriminate. As long as the government treats the same-sex parents of children differently, there will be members of society who feel justified in stigmatising and marginalising their children.

If the best interests of the child is the standard that we are to live by – and the fact that Australia has ratified the Convention on the Rights of the Child suggests that it is – then we must legalise same-sex marriage to ensure that society as a whole respects and promotes the rights and welfare of children growing up in same-sex families.

Dr Paula Gerber is a Senior Lecturer at the Monash University Law School and Deputy Director of the Castan Centre for Human Rights Law. She is co-editor of the book ‘Current Trends in the Regulation of Same-Sex Relationships’ (2010, Federation Press).

First published in The Age 7 September 2011
EXPLORING ISSUES

ABOUT THIS SECTION

‘Exploring issues’ features a range of ready-to-use worksheets relating to the articles and issues raised in this book.

The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

As the information in this book is gathered from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Does the source have a particular bias or agenda? Are you being presented with facts or opinions? Do you agree with the writer?

The types of ‘Exploring issues’ questions posed in each Issues in Society title differ according to their relevance to the topic at hand.

‘Exploring issues’ sections in each Issues in Society title may include any combination of the following worksheets: Brainstorm, Research activities, Written activities, Discussion activities, Quotes of note, Ethical dilemmas, Cartoon comments, Pros and cons, Case studies, Design activities, Statistics and spin, and Multiple choice.

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WORKSHEETS AND ACTIVITIES
Brainstorm, individually or as a group, to find out what you know about the same-sex marriage debate.

1. What is same-sex marriage?

2. How is a civil union different from same-sex marriage?

3. What does the term ‘slippery slope’ refer to in relation to objections to same-sex marriage?

4. List five places overseas that allow same-sex marriage and when they were legally recognised.
Complete the following activities on a separate sheet of paper if more space is required.

Explain how each of the following topics may be used in arguments both for and against the introduction of same-sex marriage:

**Children:**

**Religion:**

**Human rights:**

**Tradition:**

**Monogamy:**
DISCUSSION ACTIVITIES

Are you for or against the legal recognition of same-sex marriage in Australia? Form two opposing groups and prepare a list of arguments with which to debate the issue of same-sex marriage in Australia. Include relevant statistics in your arguments where appropriate.

IN FAVOUR OF SAME-SEX MARRIAGE

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OPPOSED TO SAME-SEX MARRIAGE

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The same-sex law reform package passed through Parliament on 26 and 27 November 2008. (p.1)
From 1 July 2009, over 80 Commonwealth laws were amended to recognise same-sex de facto partners. (pp.1, 2, 4, 17, 20, 34)
Same-sex couples have access to domestic partnership registries in NSW, Tasmania and Victoria. (p.4)
In 2004, the Marriage Act 1961 was amended in federal parliament to define marriage as a union between a man and a woman. (pp.4, 49, 50)
On 25 February 2010, the Marriage Equality Bill 2009 did not pass in the Australian Senate by a vote of 45-5. (p.5)
In February 2012, two bills to allow gay marriage in Australia were introduced in Parliament. (p.5)
In June 2004, a survey conducted by Newspoll showed that 38% of respondents supported same-sex marriage, with 44% opposed and 18% undecided. (p.6)
A 2012 online survey received approximately 276,000 responses, including about 213,500 comments. Of these responses, it was reported that 64.3% supported same-sex marriage. (pp.6, 7)
Studies have shown that only around 4% of Dutch homosexuals have gotten married during the first 5 years of legalisation. (p.12)
In The Netherlands, where same-sex marriage was introduced in 2001, ‘cohabitation agreements’ have been used to give three-way relationships a measure of legal recognition. (p.16)
The number of same-sex couples in Australia involves only 0.4% of all adults. (p.17)
Homosexual couple relationships have been recognised in law in most States in an official relationship register. (p.19)
According to research, only 10 countries out of nearly 200 have legalised same-sex marriages. (p.19)
In 2011, the French Parliament rejected legislation for same-sex marriage. (p.19)
The Australian Human Rights Commission and gay lobby activists often claim that denying homosexuals the right to same-sex marriage is a breach of human rights. (p.19)
Financial penalties are now being imposed in Canada on marriage celebrants who defy the law and refuse to marry same-sex couples. (p.20)
In the 1990s, Australian State and Territory governments began amending legislation to extend rights to same-sex de facto couples to remove discrimination based on sexual orientation in relationships. (p.22)
Studies put the number of homosexuals at between 1.5 and 2% of the population. (p.23)
The Federal Parliament amended 84 pieces of legislation after the 2010 election to place homosexual rights and entitlements on the same basis as others. (p.25)
Massachusetts was the first US State to legalise same-sex marriage. (p.27)
Hammurabi’s law, of 3,500 years ago, allowed homosexuals to enjoy sexual freedom and gave them rights, same-sex marriage was not included. (p.27)
According to a national study 54% of Australian same-sex partners would marry if they had the choice. (p.33)
Research shows that married partners, including same-sex married partners, are, on average, healthier, happier and longer lived, than their cohabiting peers, or singles. (p.33)
There is a direct link between legal bans on same-sex marriage and higher levels of stress and anxiety, lower self-esteem, and greater incidence of mental and physical health problems among same-sex attracted people. (p.34)
In Scandinavia, the formal recognition of same-sex relationships has been in place for a generation and same-sex marriage is now widely allowed. (p.35)
Surveys have shown that about 30% of female same-sex couples, and about 15% of male same-sex couples, are raising children. (p.35)
In Australia, some religious organisations and officials wish to legally marry same-sex partners in the same way as they legally marry opposite-sex partners. (p.35)
The number of places overseas where same-sex couples are allowed to marry is not only increasing but accelerating. (p.36)
In 2007 a poll found that 57% of those surveyed support marriage equality and in 2009 a poll using an identical question, showed 60% of those surveyed were in favour of marriage equality. (pp.36, 49)
Civil unions do not offer the same legal benefits as marriage, even when the law says they should. (p.37)
Research shows that only 25.6% of same-sex de facto partners would choose to be in a civil union, and only 17.7% would remain as de facts. (p.37)
The 5 European nations (out of 38) that have legislated to ban same-sex unions: Lithuania, Moldova, Monaco, San Marino and Vatican City, are those most under Catholic or Orthodox influence. (p.39)
Paediatrics and behavioural sciences have shown same-sex parents are just as effective as heterosexual parents in child-rearing outcomes. (pp.39, 44)
One-man–one-woman marriage as we know it today dates from the 16th century. (pp.40, 42)
A study found that over 70% of married same-sex couples felt marriage had increased the level of commitment in their relationship. (p.41)
In those US states that have allowed same-sex marriages, 30% of same-sex couples marry in the first year. In states with civil unions, only 18% take up the option. (p.41)
Over 50% of the Australian population supports same-sex marriage; and three-quarters believe it will eventually become a reality. (p.44)
In the last 40 years same-sex love has gone from being a criminal offence, and subject to persecution and violence, to being recognised by legislatures around the world. (p.45)
Research reveals that, since 2001, a growing number of countries have legislated in favour of same-sex marriage. (p.46)
**Glossary**

**Bisexual**
Those whose sexual and emotional feelings are for both women and men.

**Civil partnership**
Also referred to as a 'civil union'. A legally recognised relationship, initially created exclusively for same-sex couples, to provide rights, benefits and responsibilities similar to marriage.

**Discrimination**
Occurs when people are treated less favourably because of their sexuality. Indirect discrimination occurs when there is a requirement (e.g. policy, procedure or practice) which is applied equally to all regardless of sexuality but that has a disparate impact on people as a result of their sexuality.

**Gay**
Those whose sexual and emotional feelings are primarily for the same sex. In Australia, this can mean men or women, although it tends to be used mainly for men.

**Harassment**
Behaviour that is unwanted, unasked for, unwelcome, offensive, humiliating or intimidating. Harassment is often about one person (or a group of people) using power inappropriately over another person/group of people, however it also happens between individuals where there are no power relationships. Examples include homophobic jokes at work, being teased at school because you are gay or lesbian, and homophobic hate mail.

**Heterosexism**
The belief and assumption that everyone is, or should be, heterosexual and that other types of sexuality are unhealthy, unnatural and a threat to society.

**Heterosexual**
People whose sexual and emotional feelings are primarily for the opposite sex.

**Homophobia**
Individual or social ignorance, or fear of gay and/or lesbian people. Homophobic actions include prejudice, discrimination, harassment and acts of violence or hatred.

*Personal homophobia* is an internalised personal belief that homosexuality is unacceptable. This belief can be held by gay and lesbian people themselves, causing low self-esteem.

*Interpersonal homophobia* is name-calling, discrimination or verbal and physical harassment.

*Institutional homophobia* includes ways in which government, business, churches and other organisations discriminate against people because of their sexual orientation.

*Cultural homophobia* entails social standards and stereotypes (e.g. in the media) which tend to portray only heterosexuality.

**Homosexual**
People whose sexual and emotional feelings are primarily for the same sex. Those who feel this way often identify as gay, lesbian or bisexual.

**Intersex**
Biological condition where a person is born with physical characteristics and/or sex chromosomes that are not exclusively male or female. An earlier term for intersex was 'hermaphrodite'.

**Lesbian**
Women whose sexual and emotional feelings are primarily for women.

**Marriage equality**
The legalisation of same-sex marriage, as it is referred to by its proponents.

**Monogamy**
A form of marriage in which an individual has only one spouse during their lifetime or at any one time (serial monogamy). In current usage, monogamy often refers to having one sexual partner irrespective of marriage or reproduction.

**Polyamory**
The practice of having more than one intimate relationship at the same time with the knowledge and consent of everyone involved.

**Same-sex attracted**
Those who are attracted to people of their own sex. The term has been used in the context of young people whose sense of sexual identity is not fixed, but who experience sexual feelings toward people of their own sex.

**Same-sex marriage**
Same-sex marriage (also known as gay marriage) is marriage between two persons of the same biological sex or gender identity. Legal recognition for same-sex marriage is also referred to as marriage equality.

**Transgender**
Those whose gender identity or behaviour falls outside the usual expectations of their gender. This includes people who feel that their anatomical gender is at odds with their inner sense of being 'male' or 'female'. Some trans people feel bi-gendered or 'neither-gendered', challenging the idea that there can only be two genders.

**Transsexual**
One who mentally and emotionally identifies as a different gender to the one they have been assigned by society according to their anatomy. Transsexuals generally undergo a sex reassignment operation to become the opposite sex.

**Transvestite**
One who adopts the dress and sometimes behaviour typical of the opposite gender, generally for purposes of emotional or sexual pleasure. Transvestism is often a fetish for heterosexual men. This is not to be confused with 'drag', which is a cross-dressing parody performance popular in the queer community.
Websites with further information on the topic

Australian Christian Lobby  www.acl.org.au
Australian Coalition for Equality  www.coalitionforequality.org.au
Australian Marriage Equality  www.australianmarriageequality.com
Gay and Lesbian Equality (WA) Inc  www.galewa.asn.au
Gay and Lesbian Rights Lobby  http://glrl.org.au
Let’s Get Equal  www.letsgetequal.org.au
Procon.org – gay marriage  http://gaymarriage.procon.org
Same Same  www.samesame.com.au
Same Sex Marriage  www.samesexmarriage.org.au
Tasmanian Gay and Lesbian Rights Group  www.tglrg.org
The Gay Marriage Blog  www.thegaymarriageblog.com
Victorian Gay and Lesbian Rights Lobby  www.vglrl.org.au

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