

Submission on Marriage Equality Amendment Bill 2010

Marriage, the comprehensive union of a man and a woman into which a child/children may be born is traditional and is to be found in society long before the founding of states.

Traditional marriage has had its own reasons for existing and should not have different reasons foisted upon it by the state. The state did not create marriage hence it has no authority to create a new situation and give it the name of marriage.

Since the formation of the state in society, it has supported the traditional form of marriage because it had a vested interest. Marriage made possible the continuation of the state's society through the procreation of children. Children needed to have their identity protected and to be nurtured by a mother and father and the State made sure of this through its actions. Simply put, we might say that the State had no interest in the permanence and exclusivity of marriage except for the fact that children needed to have their rights, i.e. to know, to have access to and to be cared for by both a mother and father, protected.

Altering the definition of marriage to include relationships that cannot naturally produce children, removes the State's right to have an interest in marriage.

Should the definition of marriage be changed to include same-sex relationships, then marriage would not be about children but about adults only. Marriage as it has been practised for millenniums will be changed by a body of people (parliament) who have been in existence for a minute amount of time and who have chosen to ignore thousands of years of tradition.

While marriage has a very long tradition, it does not mean that its ceremonies and customs have not changed. Of course there will be changes through inter-racial contact etc, but there is one facet that has not changed viz. marriage is between a man and a woman to the exclusion of all others.

Marriage is a public, not a private matter. It is not about allowing a freedom for ourselves. It is about determining what best promotes human flourishing. The state records marriages to ensure that those involved realise its importance to society because of the possibility of children.

Under the proposed legislation, a couple would have the right to rear children, however conceived. The begetting aspect that is central to marriage becomes a belief that children may be obtained optionally, by acts of the will, not of the body. The child becomes an object to have or possess and the right to know, to have access to and to be cared for by the natural mother and father are swept aside.

Under the proposed change, marriage as it has been would be changed because it would be about adult sexual choice and emotional commitment and not about securing the rights of the child. It would be solely about relationships. Since when has the state become the arbiter of relationships? Is it going to be able to tell me with whom I can be friends? I hope that would not be so. That being the case, I believe same-sex unions should be of no more interest to the state than any other relationship, whatever it is based on.

It is said that the change will remove discrimination against same-sex couples. There is no discrimination in law as they have the same legal rights as any other person, married or otherwise. That being the case it means that same-sex couples want the use of the title "married" and to gain that they want the parliament to change the fundamentals of marriage. Just because you want the title of a definition when what you have does not match the definition does not mean you change the definition. (What a mess we would have e.g. in the world of science if the above were allowed!)

If same-sex couples wish to register their relationships, they can do so as is the case in most states.

I put it to your select committee that there is no need for the Federal Government to change the definition of marriage that has stood for millenniums.

Bernard John Bartsch