



Enquiry into the *Marriage Equality Amendment Bill 2010*

Submission to the Senate Legal & Constitutional Affairs Committee

April 2nd 2012.

OUTLINE OF SUBMISSION

1. Summary statement: *the heart of opposition to “same-sex marriage”*

2. Criticism of the three objects of this Bill:

- **Object (a)** *to remove from the Marriage Act 1961 discrimination against people on the basis of their sex, sexuality or gender identity;*

Critique: Conceptual errors on the nature of marriage and on discrimination

- i. **What marriage is**
- ii. **The self-discrimination of homosexuality**

- **Object (b)** *to recognise that freedom of sexuality and gender identity are fundamental human rights;*

Critique: Conceptual errors on the nature of homosexuality and gender identity

- i. **The prevalence of homosexuality**
- ii. **The origins of homosexuality**
- iii. **In what sense is homosexuality a disorder?**
- iv. **The possibility of change for those suffering same-sex attraction**
- v. **Complicating the sexual confusion of adolescents**

- **Object (c)** *to promote acceptance and the celebration of diversity.*

Critique: This Bill acts to *compel acceptance* and *crush diversity* of conscience

- i. **Normalising homosexuality in the school curriculum**
- ii. **Suppression of religious freedom**

3. Conclusion: Summary of the stated *Objects*, and the predictable *Effects*, of this Bill

SUMMARY STATEMENT: THE HEART OF OPPOSITION TO “SAME-SEX MARRIAGE”

FOR EVERY CHILD, A MOTHER AND A FATHER

“Marriage is fundamentally about the needs of children”, writes David Blankenhorn, a high-profile supporter of gay rights in the US who nevertheless draws the line at same-sex marriage. “Redefining marriage to include gay and lesbian couples would eliminate entirely in law, and weaken still further in culture, the basic idea of a mother and a father for every child”.

This is the heart of opposition to same-sex marriage: that it means same-sex parenting, and same-sex parenting means that a child *must* miss out on either a mother or a father.

Marriage is a compound right, under Article 16 of the *Universal Declaration of Human Rights* – not only the right to an exclusive relationship, but also the right to form a family. Therefore same-sex marriage carries the right to form a family by artificial reproduction – but any child created within that “marriage” would have *no possibility* of being raised by both her mother and her father.

Of course there are tragic situations, now, where a child cannot have both a Mum and a Dad – such as the death or desertion of a parent – but that is not a situation we would ever wish upon a child, and that is not a situation that any Government should inflict upon a child.

Yet legalising same-sex marriage will inflict that deprivation on a child. That is why it is wrong and must be opposed. This Bill must be opposed, and likewise any other Acts of Government that compel a child to live without a mother or without a father– laws permitting single or same-sex surrogacy, single or same-sex IVF, or same-sex adoption - are wrong and must be opposed.

These laws in combination create a new “stolen generation” of children separated from their mothers or their fathers, repeating the injustice of the Aboriginal “Stolen Generation”. The offence is the same; only the justification changes. This time round the justification for separating a baby from the knowledge and love of her mother is that it meets the emotional needs of homosexual men.

Think from the child’s perspective. A little girl should not have to look up and see two erotically involved men posing as her ‘parents’. No matter how competent and caring a lesbian partner may be, she can never be a dad to a little boy. Little children must not be subjected, by the Law of the land, to a prolonged and uncontrolled experiment on their emotional development.

For what it’s worth, the best quality research certainly does confirm the obvious - that a child does best in every respect when with his or her own parents, or with the nearest equivalent in an adopting mother and father. As the great sociologist David Popenoe summed up: “Few propositions have more empirical support in the social sciences than this one: Compared to all other family forms, families headed by married, biological parents are best for children.” In the light of this social science research, the American College of Pediatricians in 2004 concluded:

The environment in which children are reared is absolutely critical to their development. Given the current body of research, the American College of Pediatricians believes it is inappropriate, potentially hazardous to children, and dangerously irresponsible to change the age-old prohibition on homosexual parenting, whether by adoption, foster care, or by reproductive manipulation. This position is rooted in the best available science.

However, nobody needs to resort to ‘the best available science’ to defend their intuition that a little child needs both a mother and father. The judgement of anybody who cannot see that as a self-evident fact of life, as the most common-sense and natural condition of a child’s wellbeing, is suspect.

At this point the curious argument is always raised that it is better for a child to have two loving same-sex carers than a dysfunctional pair of biological parents. But neither of these scenarios is in the interests of a child – and only the same-sex scenario is preventable by law. It is a *non sequitur* to argue that because a child in one household has abusive parents, therefore we are justified in placing another child in a household of two “married men” and no mother. No, we must reject both scenarios for the sake of the child, restraining and retraining those parents who would inflict abuse – or even removing the child from harm’s way - while also denying those adults who would wilfully deprive a child of a mother or father.

Another argument is made that the child-centred case against gay marriage is just a guise for opposition to homosexual relationships *per se*. Not so, as the child-centred argument also opposes single men obtaining a baby by surrogacy, as allowed under Queensland law, or single women obtaining a baby by IVF; the child-centred argument would oppose even a pair of celibate monks obtaining a baby “of their own”, since that still deprives the child of a mother.

Much of the impetus for same-sex marriage centres on the simplistic slogan of “equality”. A recent article by Stephen Keim of “Australian Lawyers for Human Rights” (*Courier Mail* 15/2) says, “Equality means the right not to be discriminated against on the basis of sexuality.” Fine, but why should a child be discriminated against on the basis of the sexuality of two gay men who want a baby of their own, and who intend to deprive that child of her birthright to a mother’s love?

The love between a mother and her baby is the most profound bond in human existence, but that primal relationship is trashed by the “marriage” of two men, because gay marriage gives two men the right to obtain a child of their own, by surrogacy or adoption, and so deprive that child of a mother.

Even the pseudo gay-marriage of a civil partnership can allow for this abuse of a child’s birthright. That is the case with Elton John and his civil partner, David Furnish, who in 2010 created baby Zach using an anonymous egg donor in India and a rent-a-womb. The old rock star needed “someone to love into my old age”. Too bad if baby Zach needed a mother’s breast to rest on, because the men made that impossible. Spurious “equal rights” for rich homosexuals to obtain a child, at the cost of authentic “equal rights” for all babies to enter the world with their own mother and their own father.

As leading Australian ethicist Professor Margaret Somerville observed, demands for gay marriage “force us to choose between giving priority to children’s rights or to homosexual adults’ claims.” Yet trivial arguments about “equality” frame the gay marriage debate solely in terms of the emotional needs of adults, ignoring the child’s point of view. That is unjust, and makes for bad policy.

SLIPPERY SLOPE TOWARDS ‘GROUP’ AND INCESTUOUS MARRIAGE

The adult-centred narcissism of “equal rights for equal love” begs the wider question: if gender no longer matters in marriage, why should number? If marriage is all about adults who love each other, by what rational principle should three adults who love each other and are committed to each other not be allowed to marry? Academic defenders of polyamory are asking that question. So are the defenders of incestuous relationships between consenting adults who “love each other”.

And yes, if “freedom of sexuality and gender identity” has the status of a “fundamental human right” that freedom must extend to variants such as “group marriages” and “consensual incestuous marriages”, since they too are expressions of “freedom of sexuality.”

Once we cut marriage adrift from the rock of nature, from the mammalian model of male-female-young, there is no sound reason to deny any consenting couples or groups of adults the right to “marriage equality” based on their “love and commitment”. And that way, madness lies...

NORMALISING HOMOSEXUAL BEHAVIOUR IN EDUCATION

We must also defend children from the corrupting of education that follows the normalising of same-sex marriage. After the courts in Massachusetts, USA, legalised gay marriage in November 2003, school libraries were required to stock same-sex literature; primary school children had to read homosexual fairy stories like *King & King*; some high school students were even given an explicit manual of homosexual advocacy entitled *The little Black Book: Queer in the 21st century*. That will be your child or grandchild.

If we normalise homosexual marriage we normalise homosexual behaviour with the full force of anti-discrimination law. Education would have to comply with the new normal. Children will have to be taught that homosexual relations are no different to the old mother-father model of marriage. And that conquest of the curriculum is, in my view, a major cultural goal of the homosexual lobby.

IMPACT ON FREEDOM OF CONSCIENCE

Finally, we must consider the impact on free speech and conscience where same-sex marriage becomes law.

Again in Massachusetts, the adoption agency Catholic Charities was compelled by law to place children with homosexuals, so it had to cease its services. Overseas, pastors have been fined or silenced for teaching their congregation what the Christian religion has taught about human relationships for two thousand years. I, too, have had an informative run-in with the anti-discrimination ‘thought police’ on this exact subject; a foretaste of the suppression of conscience and free argument that will prevail once “gay marriage” is normalised with the force of law.

HONOUR OUR ‘GAY’ NEIGHBOURS, BUT LEAVE NATURAL MARRIAGE & FAMILY ALONE

So what is the way forward, a way which honours our fellow citizens who experience same-sex attraction but protects the rights of children and the freedom of moral conscience? Frank Brennan, former Chair of the National Human Rights Consultation Committee, shows us the way: “I think we can ensure non-discrimination against same-sex couples while at the same time maintaining a commitment to children of future generations being born of and being reared by a father and a mother.”

Non-discrimination against same-sex couples is exactly what Federal Parliament achieved in 2008 when over 80 pieces of legislation were amended by a bipartisan majority. Homosexual couples now enjoy effective equality with married couples in every way short of marriage.

The process must stop short of marriage, because marriage is about something much deeper than civil equality; it is about a natural reality – male, female, offspring – which society did not create and which only a decadent party like the Greens would seek to destroy.

2. CRITICISM OF THE THREE OBJECTS OF THIS BILL:

(a) CONCEPTUAL ERRORS ON THE NATURE OF MARRIAGE AND ON DISCRIMINATION

i. What marriage is.

- Marriage, as a social reflection of a biological reality, can only be between a male and female;
- Marriage requires social regulation only because children are thereby created;
- Homosexual acts cannot create children, therefore the State has no interest in regulating homosexual relationships.

ii. The self-discrimination of homosexuality.

- Homosexuality *self-discriminates* from the vocation of marriage-&-offspring, rather than being ‘discriminated against’; it excludes itself, intrinsically, from participation in the life-cycle of male and female, parent and young.
- There is no issue of unjust discrimination against homosexual couples; the real discrimination is against children brought artificially into the world by such couples, deprived of their fundamental right to both a mother and a father.

i. WHAT MARRIAGE IS:

There are some matters that are beyond the authority of any Parliament to tamper with.

Marriage is not a social invention, but a social response to a timeless biological reality. The biological pair-bond of man and woman is nature’s foundation for human life – as with other mammals – and is not a social fad to be cut to shape according to the fashion of the day.

The father of modern anthropology, Claude Levi-Strauss, called marriage “a social institution with a biological foundation”. He notes that throughout recorded history the human family is “based on a union, more or less durable, but socially approved, of two individuals of opposite sexes who establish a household and bear and raise children.”ⁱ

All our social ceremonies and laws around “marriage” exist to buttress nature – helping bind a man to his mate for the sake of social stability and for the sake of the child they might create.

Not all marriages do create children – but *typically* they do, and the institution exists for the typical case of marriage. If marriage did not have the momentous consequence, typically, of creating a child who needs stable care over prolonged periods, there would be no need to urge a marriage contract on adults entering a sexual relationship.

Bertrand Russell writes, “It is through children alone that sexual relations become of importance to society, and worthy to be taken cognizance of by a legal institution.”ⁱ

Self-evidently, homosexual relations *cannot* create children, so society has no institutional interest in regulating such friendships. They are of importance to the individuals involved, and demand neighbourly civility – but they do not meet nature’s job description for marriage.

By contrast, society has a vested interest in stable natural marriage, because that is the biological and social structure which creates and nurtures human young. We are mammals. Mating and breeding is going to happen whether there is marriage or not. But without the social discipline of marriage, there is social chaos. With the social discipline of marriage, there is a better chance of social order: a man staying with his mate, and both staying with their child, which is good for the child and for society.

The cultural phenomenon of marriage is present in every society from the earliest recorded history (with rare aberrations that merely prove the rule) while the notion of 'homosexual marriage' is a uniquely post-modern illusion. All cultures take the biological 'given' of the natural pair-bond and reinforce it with customs and ceremony to achieve the social goal of a stable family unit.

From the anthropological perspective marriage is a mechanism to bind a feral-by-nature male to his mate and his child – so necessary, historically, for the protection of the pregnant woman and vulnerable children, and for the economic viability of the family unit. Marriage exists in essentially all societies at all times because infants in all societies at all times need the passionately patient love and labour of both their mother and their father.

Ancient legal codes – of Hammurabi in Babylon around 1750, or Dadusha in the same region a century earlier – elaborate the social conditions for valid marriage, and for justice in the event of violating the marriage vows.

Philosopher John Locke calls marriage “the first society” and defines its two dimensions – the complex binding of the man and woman, and the rearing of young:

... a voluntary Compact between Man and Woman: and tho' it consists chiefly in such a Communion and Right in one another's Bodies, as is necessary to its chief end, Procreation; yet it draws with it mutual Support, and Assistance, and a Community of Interest too, as necessary to unite not only their Care, and Affection, but also necessary to their common Offspring, who have a right to be nourished and maintained by them, till they are able to provide for themselves.

The elaborate historical customs around marriage are every society's way of elevating mere mating behaviour amongst mammals to the dignity of a vital vocation – the honoured and indispensable life-task of forming a new family.

How ignorant and inadequate, then, are modern assertions that marriage is not related to mammalian biology and raising young, but are just about any two adults with an 'emotional commitment'. So the prominent homosexual advocate, Andrew Sullivan, writes that the essence of marriage “is not breeding” but instead “a unique and profound friendship”. The Economist editorialises that “the real nature of marriage” is a commitment “between two people to take on special obligations to one another.” The Washington superior court judge in 2004, ruling in favour of same-sex marriage, could only offer this limp definition: “To ‘marry’ means to join together in a close and permanent way”; that marriage is “a close personal commitment” that is “intended to be permanent” and which is “spiritually significant”.

This obscure language applies to generic adult relationships, but says nothing of the specific vocation of marriage-and-children. As Blankenhorn comments:

I have a number of profound friendships and some intense personal commitments, all of which seem to me to be emotional enterprises. I am involved in a number of mutually supportive relationships, many of which, I am sure, enhance social stability. But none of this information tells you to whom I am married or why.

Marriage is not a social license to have intimate friendships, but a social reinforcement of nature's license for a male and a female of the species to form a family. There is no social requirement to license the friendships of two homosexual people, and the biologically-based notion of marriage is invalidly applied to same-sex relationships.

ii. THE SELF-DISCRIMINATION OF HOMOSEXUALITY.

This Bill argues that it is discriminatory to exclude homosexuals from the social role of marriage. That is doubly mistaken.

First, the “discrimination” argument is mistaken because there can be no discrimination against an illusory entity: the entity “homosexual marriage” is biologically and anthropologically incoherent, and it is also legally incoherent, in the recent judgement of the *European Court of Human Rights*. This Court has rejected the claim of a lesbian couple that they suffered unjust discrimination by being denied marriage:

“The European Convention on Human Rights does not require member states’ governments to grant same-sex couples access to marriage,” judges in Strasbourg said. “With regard to married couples, the court considers that in view of the social, personal, and legal consequences of marriage, the applicants’ legal situation could not be said to be comparable to that of married couples.”ⁱⁱ

This judgement will be of relevance to Senators considering the claims of “marriage equality” advocates.

Second, the “discrimination” argument is mistaken because nobody has ‘excluded’ homosexuals from marriage; homosexual behaviour has excluded itself from the burden of being fertile. It has by its very nature stepped outside the biological life-cycle – the endless natural circle of male and female, parent and offspring.

Homosexual relationships do not have the public consequence of creating a child. Nothing results from their sexual acts, therefore they are free from any public expectations concerning the legal status and long-term stability of their relationship. Homosexual partnerships remain in Sullivan’s realm of ‘a unique and profound friendship’, and that is nobody else’s business.

Recent amendments to Federal legislation show that it is possible to extend all civil consideration to couples who live in co-dependent relationships, including same-sex partnerships, to assist them with mundane matters such as sharing superannuation. These measures assist private people with their private affairs, and in no way mimic the public institution of marriage.

This Bill is a different matter, designed to abolish any meaningful distinction between a married couple bearing children and two men engaging in a sexual relationship. These are two entirely different projects, and only one is vital to the future of society.

Society must reinforce, for its own survival, the core social task of marriage-and-babies, but society has no duty to chaperone the private affairs of homosexual adults.

The Bill should be rejected.

(b) CONCEPTUAL ERRORS ON THE NATURE OF HOMOSEXUALITY AND GENDER IDENTITY

- i. The prevalence of homosexuality
- ii. The origins of homosexuality
- iii. In what sense is homosexuality a disorder?
- iv. The possibility of change for those suffering same-sex attraction
- v. Complicating the sexual confusion of adolescents

i. THE PREVALENCE OF HOMOSEXUALITY:

First, it is worthwhile clarifying the prevalence of homosexuality in Australia – a figure similar to other parts of the world – because it may be that some Senators still labour under the illusion of the “10 %” figure put about by the Kinsey Institute decades ago, and long discredited.

Reputable recent research in the *Australian and New Zealand Journal of Public Health* finds the percentage of those who self-identify as homosexuals to be 1.6% of males and 0.8% of females – a population figure across men and women of only 1.2% (not 10%), compared to a figure of 97.5% who identify as heterosexual.ⁱⁱⁱ This study of over ten thousand Australian adults, the *Australian Study of Health and Relationships*, was assessed as “robust and broadly representative of the Australian population.”^{iv} The figure of 1.2% is similar to other complex conditions that are multifactorial in origin, with elements of genetic susceptibility and environmental conditioning. A similar prevalence has been found in other population studies around the world.

ii. THE ORIGINS OF HOMOSEXUALITY

There may exist in the minds of some Senators the popular illusion that homosexuality has been found to be ‘biologically determined’ or somehow ‘inborn’. It has not.

There is no simplistic ‘gay gene’ or ‘gay brain’, and the American Psychiatric Association sums it up by stating: “There are no replicated scientific studies supporting any specific biological etiology for homosexuality”. Likewise, at the website of the avowedly pro-gay American Psychological Association, there is no confirmation that homosexuals are “born that way”:

What causes a person to have a particular sexual orientation?

There is no consensus among scientists about the exact reasons that an individual develops a heterosexual, bisexual, gay, or lesbian orientation. Although much research has examined the possible genetic, hormonal, developmental, social, and cultural influences on sexual orientation, no findings have emerged that permit scientists to conclude that sexual orientation is determined by any particular factor or factors. Many think that nature and nurture both play complex roles; most people experience little or no sense of choice about their sexual orientation.^v

Being gay is best understood, in my view, as a deeply ingrained but potentially modifiable psychological condition like any other, of multi-factorial origin, but not an inborn identity. This was the near-universal medical understanding until political disruption by activist homosexual groups encouraged the American Psychiatric Association to abandon its clinical model in the late 1960s and early 1970s. This remains the clinical understanding of a significant number of psychologists and

doctors, many of them members of the US-based *National Association for the Research and Therapy of Homosexuality* (www.nARTH.com) of which I am a member.

Understood, in part, as a disturbance of childhood emotional development – often from the boy’s gravely disturbed relationship with his father - same-sex attraction has tragic effects in the deepest part of our lives, but it is open to change. And for the sake only of those homosexuals who *want to change*, the clinical truth must be known – that it is possible for them to modify and even leave behind their unwanted same-sex attraction. A recent example of a high-profile former homosexual who describes his change in sexual orientation was published in the *New York Times* in 2011.^{vi}

iii. IN WHAT SENSE IS HOMOSEXUALITY A DISORDER?

It is self-evident that something has gone objectively wrong when one male is erotically attracted to another male. But it is difficult to define exactly what has gone wrong.

It may be useful for Senators to consider, very briefly, how homosexuality moved from being universally considered a mental illness when my father’s generation graduated as doctors, and no longer a mental illness when I was studying.

A knowledge of those events shows how medical convention is no match for political activism, but will remind Senators that the main players, including Dr Robert Spitzer – who features in the next section on helping homosexuals to change - agreed that the change in classification in no way formally ‘normalised’ homosexuality as a psychological phenomenon.

In a nutshell, Spitzer (the leader of the campaign to delete homosexuality from the American Psychiatric Association’s *Diagnostic & Statistical Manual* in 1973) presented a solution that pacified the homosexual activists who had been disrupting APA meetings for a couple of years, but which also confirmed that the previous medical model was not without validity - that homosexuality was still open to therapeutic assistance, provided the patient was himself disturbed by being homosexual and sought that assistance. That remains the clinical situation, as I understand it, today.

Spitzer maintained that homosexuality remains “an irregular form of sexual development”, but because the condition did not affect the functioning of individuals in their daily life it could not be classified as a mental disorder. Instead he proposed the category of “Sexual Orientation Disturbance” as a psychiatric disorder.

This category is for individuals whose sexual interests are directed primarily toward people of the same sex and who are either bothered by, in conflict with or wish to change their sexual orientation. This diagnostic category is distinguished from homosexuality, which by itself does not constitute a psychiatric disorder. Homosexuality per se is a form of irregular sexual development and like other forms of irregular sexual development, which are not by themselves psychiatric disorders, is not listed in this nomenclature of mental disorders.^{vii}

By 1985, and the third revision of the Diagnostic Manual, there was an attempt to break this compromise and remove the 1980 terminology “ego-dystonic homosexuality”. Spitzer was overseeing the review of DSM 3 and argued for preserving this term as part of a successful and hard-won compromise: “To remove that category would shatter that achievement and would be viewed as the acceptance of the view that homosexuality is a normal variant.”

In the end, the compromise diagnosis was modified to “persistent distress or confusion about one’s sexual orientation”, and there, more or less, it remains today. Homosexuality need not be considered

a normal variant, but is not a diagnosable psychiatric illness; those who are in “distress or confusion” about their sexual orientation deserve professional assistance.

A Bill like this one, which has as its assumption that homosexuality and any other “irregular form of sexual development” is simply normal and to be “celebrated”, shows no understanding of the clinical complexity of same-sex attraction, or the possibility of some degree of change in sexual orientation.

iv. THE POSSIBILITY OF CHANGE FOR THOSE SUFFERING SAME-SEX ATTRACTION

Significantly, the same gay-friendly Dr Spitzer who led the campaign to delete homosexuality from the American Psychiatric Association's manual of mental disorders back in 1973 published one of the most important research papers on changing sexual orientation in October 2003 in the *Archives of Sexual Behaviour*.

In his detailed review of "*200 Participants Reporting a Change from Homosexual to Heterosexual Orientation*" he writes:^{viii}

Although initially sceptical, in the course of the study, the author became convinced of the possibility of change in some gay men and lesbians... Many patients can make a rational choice to work toward developing their heterosexual potential and minimizing their unwanted homosexual attractions.

In his structured analysis of homosexuals who claimed to have changed their orientation through "reparative therapy", he concluded that the therapy had been effective: that "almost all of the participants reported substantial changes in the core aspects of sexual orientation, not merely overt behaviour". Against critics who say that attempts to change sexual orientation can cause emotional harm to homosexuals, he notes: "For the participants in our study, there was no evidence of harm".

Some professional groups try to prevent help being offered to clients who, for reasons of their own, want to move away from unwanted homosexuality. Against them, the same Dr Spitzer who believes homosexuality cannot be classified within the parameters of a mental disorder still upholds the right of individuals to modify their feelings and behaviours, with the corresponding duty of professionals to assist them:

Mental health professionals should stop moving in the direction of banning therapy that has as its goal a change in sexual orientation. Many patients can make a rational choice to work toward developing their heterosexual potential and minimizing their unwanted homosexual attractions.

In August 2009, the Gay and Lesbian Task Force of the American Psychological Association (psychologists, not doctors) poured ideological cold water on the practice of ‘reparative therapy’ for sexual orientation; however, the ideological bias was blatant. The lesbian Chair of the Task Force excluded any member of the APA who practiced reparative therapy; the spokesman admitted to the *Washington Times* that they started from a preconceived position:^{ix}

The report was compiled by a six-member task force that admitted to a built-in bias that "same-sex sexual attractions, behavior and orientations per se are normal and positive variants of human sexuality and are not indicators of either mental or developmental disorders." The National Association for Research and Therapy of Homosexuality (NARTH) said the task force was stacked with gay or gay-friendly activists who would naturally conclude that reparative therapy does not work. "No APA member who offers reorientation therapy was allowed to join the task force," said David Pruden, NARTH vice president. "In

fact, one can make the case that every member of the task force can be classified as an activist. They selected and interpreted studies that fit within their innate / immutable view."

Dr Pruden continued, in a NARTH press release:

For example, they omitted the Jones and Yarhouse study, the Karten study, and only gave cursory attention to the Spitzer study. Had the task force been more neutral in their approach, they could have arrived at only one conclusion: homosexuality is not invariably fixed in all people, and some people can and do change, not just in terms of behavior and identity but in core features of sexual orientation such as fantasy and attractions. ^x

Dr Spitzer is no longer the darling of the gay movement that he once was. The success of gay 'civil rights' activism has largely been due to portraying gays as a persecuted minority group, identifying with historically persecuted minorities like blacks, women, Jews. This illusion cannot survive Spitzer's conclusion, that being gay is a potentially modifiable psychological condition like any other, not an inborn identity.

For example, former AMA President Dr Kerryn Phelps, a lesbian woman very active in the gay marriage campaign, accused former Prime Minister John Howard of "apartheid" against the gay "minority" in denying them marriage rights. But turning from that misguided racial analogy (blacks, after all, cannot modify their genetic skin colour, but gays can modify their same-sex impulses) to Spitzer's therapeutic model, we see that gays can in fact marry, and in Spitzer's study many ex-gays were married. Only first they had to become biologically marriageable by re-orientating sufficiently from homosexual to heterosexual.

The point testified to by a large and rising number of homosexual men and women is that something can be done to help those who make this "rational choice", but they are impeded by irrational legislation like this Bill which denies the biological 'normal' to which they long to conform. These individuals, like many in Dr Spitzer's study, must not be denied the hope that they can reclaim their rightful place in the great circle of life as male and female – authentically married, according to the pattern of nature, with children of their own.

Another psychiatrist, Jeffrey Satinover MD, writes sympathetically on helping an adult understand the origins of his homosexuality and, where motivated, transform his ingrained emotional response:

From the secular therapies he will come to understand what the true nature of his longings are, that they are not really about sex, and that he is not defined by his sexual appetites. In such a setting, he will very possibly learn how to turn aright to other men to gain from them a genuine, nonsexualized masculine comradeship and intimacy; and how to relate aright to woman, as friend, lover, life's companion, and, God willing, mother of his children. ^{xi}

If Senators are interested in how sensitively and wisely the case can be made for homosexuality as a complex disturbance of emotional development, I recommend this brief article by a leading expert in reparative therapy. A doctor like Satinover can silence the mindless and unjust assertion that anybody who takes seriously the cry of help from homosexuals and offers a structured therapeutic pathway for change is somehow 'homophobic' (whatever that means).

Look, for instance, at Satinover's sympathetic insight into a typical patient's suffering as he moves deeper into the homosexual lifestyle:

In time, his life becomes even more distressing than for most. Some of this is in fact, as activists claim, because all-too-often he experiences from others a cold lack of sympathy or even open hostility. The only people who seem really to accept him are other gays, and so he

forms an even stronger bond with them as a "community." But it is not true, as activists claim, that these are the only or even the major stresses. Much distress is caused simply by his way of life - for example, the medical consequences, AIDS being just one of many (if also the worst). He also lives with the guilt and shame that he inevitably feels over his compulsive, promiscuous behavior; and too over the knowledge that he cannot relate effectively to the opposite sex and is less likely to have a family (a psychological loss for which political campaigns for homosexual marriage, adoption, and inheritance rights can never adequately compensate).

This description closely matches an acquaintance of mine, who spoke with great pain of his desire to be free of his severe homosexual compulsive behaviour. I do not know whether he will ever be free of his damaging impulses, and whether he will be able to achieve the "normal life" he speaks of, but I do know it is the duty of doctors and psychologists to help those who ask for help.

But if society's law, through a Bill like this one, decrees that homosexual unions are the same as natural marriage, implying that same-sex erotic attraction is normal, that will embolden those lobby groups who seek to ban therapies for unwanted sexual attraction. Any therapy for change will become even more politically incorrect than it is at present, leaving vulnerable individuals without the assistance they seek.

v. COMPLICATING THE SEXUAL CONFUSION OF ADOLESCENTS

Misconceptions on the nature of homosexuality, and laws based on clinical ignorance, will cause further unintended harm. For example, normalising same-sex marriage will increase the push in schools and universities to normalise homosexual "identity" among confused adolescents, predictably causing some young men to 'come out' at school when, left to themselves, they might have got over their confusion and avoided the medical and social burdens of a homosexual identity.

Confusion over sexual feelings is quite common among teens but it is usually a passing phase, where the pre-pubescent clinging to one's own gender matures into the natural attraction between male and female. The very extensive *National Health and Social Life Survey* across the USA in 1994 found that 8% of sixteen year olds thought they might be gay – but, significantly, that had halved by age eighteen to 4%, and halved again by age twenty-five, so that only 2% still thought they were gay.

What that means is that most sexual confusion in adolescents clears away if left to itself. Normalising homosexual identity in the school curriculum, which will result from normalising same-sex marriage in law, would predictably encourage some young people to 'come out' unnecessarily.

The American College of Pediatricians makes the following comments "on the promotion of homosexuality in the schools":

- Declaring and validating a student's same-sex attraction during the adolescent years is premature and may be harmful.
- Many youth with homosexual attractions have experienced a troubled upbringing, including sexual abuse, and are in need of therapy.
- The homosexual lifestyle carries grave health risks.
- Sexual reorientation therapy can be effective. Students and parents should be aware of all therapeutic options.
- There is no evidence that pro-homosexual programs, such as on-campus student clubs, ease the health disorders of homosexual youth. ^{xiii}

Even using the simplest, most objective measure of ‘harm’ - the burden of disease, whether venereal, substance abuse or psychological, that is strongly associated with a homosexual lifestyle (and in Australia it remains the case now, as for the last 25 years, that around 85% of new cases of AIDS are in ‘men who have sex with men’) – it is obviously harmful to lock a young person into a lifestyle that he need never have been part of, through the persuasive influence of homosexual “normalisation” – including the influence of a Bill such as the one under consideration.

THE BILL SHOULD BE REJECTED.

There *is* a right for those living with same-sex attraction to be left in peace and privacy. There is corresponding duty on all people to show neighbourly respect and compassion. There is a duty on health professionals to better understand this condition and help those who seek to change.

However, this Bill does not limit itself to asserting that people who suffer a same-sex attraction are to be treated with neighbourly respect; instead it asserts that the poorly understood phenomenon of homosexuality itself is a normal part of human sexuality to be “celebrated”. Because there is no sound clinical basis for that assertion, there is no sound basis for this Bill. Homosexuality is not an ‘inborn’ natural trait like race or gender, has not been classified as ‘normal’ by the medical profession, and is not ‘immutable’ but open to change, as many individuals have discovered.

From my experience as a treating doctor and from my studies, I consider same-sex attraction to be best understood as a multi-factorial disorder of emotional development, rare and in some cases open to modification. If that is the case, it is irrational to pass a law like this one, which equates the objectively disordered erotic attraction between two men with the natural and necessary erotic attraction between male and female.

(C) THIS BILL ACTS TO *COMPEL* ACCEPTANCE AND *CRUSH* DIVERSITY OF CONSCIENCE

- This Bill does not promote the ‘celebration of diversity’, but the ‘compulsion of uniformity’ in public attitudes.
- ‘Normalising same-sex marriage in law inevitably means:
 - i. Normalising homosexuality in the school curriculum**
 - ii. Suppression of religious freedom**

i. NORMALISING HOMOSEXUALITY IN THE SCHOOL CURRICULUM

A related harmful consequence of laws equating gay relationships with marriage would be to distort and radicalise sex-education and the general curriculum. Textbooks would have to teach the new legal equivalence.

We have empirical evidence that this is the case. As noted above, after the courts in Massachusetts, USA, legalised gay marriage in November 2003, education had to comply with the new normal, and parents were now powerless in their objections. So, school libraries were required to stock same-sex literature; primary school children had to read homosexual fairy stories like *King & King*; some high school students were even given an explicit manual of homosexual advocacy entitled *The little Black*

Book: Queer in the 21st century. When we normalise homosexual marriage we normalise homosexual behaviour with the full force of anti-discrimination law.

It is argued that it is a good thing in itself to normalise homosexual relationships in the school curriculum, on the basis that there is a plague of gay-based bullying in our schools, and the only way to counter that is through sensitivity training, and this Bill's catch-cry of "celebrating diversity".

That claim, however, appears to be false, according to a number of lines of evidence. In one large study of a thousand gay and lesbian adults in Europe, published in the *British Journal of Psychiatry* in 2003, the researchers found *no increase whatsoever* in gay-based bullying in their past, whether at school or subsequently.^{xiii} Reports that gay men and lesbians are disproportionately vulnerable to school harassment "are often taken at face value," these researchers noted, with other studies failing to draw a comparison to heterosexual students. In this study, both heterosexual and homosexual students were found to suffer similar high rates of school bullying and harassment.

In other words, there are many reasons to be bullied at school – for being too smart, too dumb; too fat, too thin; or for standing up for other kids who are being bullied. That is something many children go through, and the claim that homosexual people suffered it worse appears to be false. Certainly, such a dubious claim is no basis for forcibly corrupting the sexual instruction of our children at school by the equation of same-sex behaviour with natural relations between a man and a woman.

Because homosexuality is not a mere variant of normal, but in my view a tragic disturbance that cries out for help, and because it is not in the interests of children to be educated into a sexually confused state, parents presently have some basis for opposing the advocacy of homosexuality in schools. However, once the force of legal statute declares homosexual partnerships to be equivalent to marriage – as we have observed in Massachusetts - schools will be legally bound to normalise homosexual behaviour in education.

That constitutes an assault on the sexual innocence and ideals many parents want for their children.

ii. SUPPRESSION OF RELIGIOUS FREEDOM

Changing the definition of marriage, which has lasted for time immemorial, is not an exercise in human rights and equality; it is an exercise in de-authorising the Judaeo-Christian influence in our society, and anybody who pretends otherwise is deluding themselves.

The Hon John Howard, former Prime Minister of Australia, 2011^{xiv}

Note the key quote by David Blankenhorn, on the inevitable consequence of a law equating homosexual friendships with natural marriage:

Once this proposed reform (gay marriage) became law, even to say the words out loud in public – 'Every child needs a father and a mother' – would probably be viewed as explicitly divisive and discriminatory, possibly even as hate speech.

Again, look to the experimental evidence from Boston Massachusetts, where 'gay marriage' was legalised by judicial decree in 2003. When Catholic Charities in Boston found they were required to adopt children equally to same-sex couples as to man-woman couples they refused -so they were told by the state that could no longer do adoptions at all. They had to shut down.^{xv}

Similar legal pressure is brought to bear on doctors and church hospitals whose moral understanding of marriage and family does not allow them to provide artificial reproduction services to homosexual couples.

And what about church-built facilities for youth camps, often made available to non-church groups as a public facility? The Ocean Grove Camp Meeting Association in New Jersey, a Methodist organisation, ran foul of the authorities because they refused to rent facilities for a lesbian “civil union” ceremony.^{xvi}

And what of church schools and colleges, which again provide such a service even to young people from outside their faith tradition? Yeshiva University, a Jewish school in New York City, was forced in 2001 to allow same-sex “domestic partners” in married-student housing. Religious clubs on secular campuses may be denied recognition if they oppose homosexuality—this happened in 2010 to the Christian Legal Society at the University of California’s Hastings School of Law.

If gay marriage is normalised in law, then the force of law will be used to crush any conscientious or religious objection to ‘equal treatment’ of homosexuals and married man-woman couples. That would be a great blow to the freedom of conscience and religion, and would exclude churches from contributing in many different ways to our community.

And Senators should note a vital aspect of the recent judgement of the *European Court of Human Rights*, which found that if same-sex marriage is normalised in law, any church that then refuses to marry same-sex couples will be guilty of discrimination.^{xvii} There should be no pretense in our Parliament that churches can be given an ‘exemption’ from gay marriage laws; exemptions for churches will not withstand anti-discrimination lawsuits.

From the explanatory memorandum it is clear that this Bill is an exercise in forcing change in public attitudes to be more in keeping with Green values:

The Australian Greens believe that discrimination such as that espoused by the *Marriage Act 1961* must be overturned to ensure that freedom of sexuality and gender identity are recognised as fundamental human rights, and that acceptance and celebration of diversity are essential components for genuine social justice and equality to exist.

This Bill does not promote the ‘celebration of diversity’, but the ‘compulsion of uniformity’ in public attitudes. The use of the force of law to compel these sexual values violates the right of parents to nurture the character of our children according to sexual ideals that differ from Green party policy.

In essence, a Bill such as this – in its intent to proscribe certain attitudes to homosexual behaviour - violates freedom of conscience and speech, and freedom of religion.

3. CONCLUSION

SUMMARY OF THE STATED OBJECTS, AND THE PREDICTABLE EFFECTS, OF THIS BILL

“The *objects* of this Bill are:

- (a) to remove from the Marriage Act 1961 discrimination against people on the basis of their sex, sexuality or gender identity;
- (b) to recognise that freedom of sexuality and gender identity are fundamental human rights;
- (c) to promote acceptance and the celebration of diversity.”

The predictable effects of this Bill are:

- (a) to introduce *new discrimination* and injustice:
- i. Discrimination against children on the basis of the sexuality of adults, depriving children of their fundamental right to be raised by both a mother and a father;
 - ii. Discrimination against churches and individuals whose will be compelled by force of anti-discrimination law to treat as ‘normal’ sexual behaviour they consider abnormal or immoral;
 - iii. Injustice against all existing married couples who entered “marriage” believing it to mean the time-honoured vocation of a male and a female establishing a home and raising their young, only to have “marriage” redefined and degraded to a gender-neutral sexual relationship of any two adults.
- (b) to use a *false “human right”* as a legal precedent for ongoing deconstruction of marriage:
If “freedom of sexuality and gender identity” has the status of a “fundamental human right”, that freedom must extend to (and is already begin advocated for):
- i. “Group marriages” (polyamory) as an expression of “freedom of sexuality”;
 - ii. “Consensual incestuous marriages”, as an expression of “freedom of sexuality”
- (c) to *enforce* acceptance and crush diversity of conscience through the force of law;
The most powerful political consequence of normalising “gay marriage” is to normalise homosexual behaviour in culture and law.
- i. Schools will have to teach homosexual relationships as being morally and legally equivalent to a mother-father relationship;
 - ii. Conscientious and religious dissent will be crushed by anti-discrimination law;
 - iii. The objective meaning and dignity of ‘marriage & family’ will be degraded from the unique life-task of man & woman to a mere sexual relationship between adults.

The Marriage Equality Amendment Bill 2010 should be rejected:

- by any who know in their heart that a child must have *at least the chance* in his life of the love of both a mother and a father.
- by any who do not want the innocence of a child’s understanding of natural sexuality to be corrupted by compulsory pro-homosexual education
- by any who defend the right of religious communities to uphold their ideals of sexual behaviour and give moral guidance, or of individuals to object to homosexual behaviour, without the threat of “hate-speech” proceedings
- by any who understand the vital social role of marriage customs and laws in reinforcing the biological bond between mother, father and child; and who do not want to weaken marriage further by equating it in law with a sterile and unnatural same-sex relationship
- by any who understand the developmental psychology of same-sex attraction and the possibility of change, and who reject policy, like this Bill, which is based on a faulty understanding of homosexuality.

Thank you for the opportunity to contribute to the Senate Committee’s deliberations.

Dr David van Gend MBBS, FRACGP

Chairman, Australian Marriage Forum

www.australianmarriage.org

ENDNOTES

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