Senate Submission

Inquiry: Marriage Equality Amendment Bill 2010

Semantics

Words can take new meanings; but sometimes a shift in meaning can have weighty consequences.

The usage of any particular word is an evolving thing. Arguing for the maintenance of the current legislated definition of marriage on the basis of it's current meaning being inherent to the consistent usage of the word throughout history, has some validity. Nevertheless, words change, communication evolves and trying to legislate against this evolution would be a petty attempt to work against the nature of communication.

However, legislated recognition of a change to the definition of marriage would have far wider reaching consequences than merely a shift in the usage of word.

If the proposed changed meaning of the word and the accompanying changes to the treatment of marriage, as proposed, were to take place, the institution of marriage as we know it and the norms underpinning Australian (and, indirectly, global society) would be destabilised.

This is so because the particular referent of the word marriage, is a central pillar of society.

An example

Changes to the definition of marriage would be, in one sense, comparable to changes in divorce laws in the 1970s.

The institution of marriage is a central pillar of society. Changes to its legal treatment hence have significant consequences. The legal changes of the 1970s, enabling divorce to take place more easily, have had a massive impact on society.

Without considering whether these changes have had a positive or negative effect, the magnitude of the effect of these changes can't be denied. People are now able to leave divorces without a legal procedures establishing an at-fault party responsible for the dissolution of the marriage. In turn, people have been leaving marriages "in their droves". This has contributed to significant changes to:

the degree of individual liberty to leave a marriage under trying circumstances,

the number of people living on their own,

the number of people cohabiting with more than one person throughout their lifetime,

the number of remarriages,

the cost of living, per capita,

the number of children being brought up by two parents,

the structure of wider-family relationships,

the lifestyle patterns of people; eg. the movements of children between the week and the weekend, effecting their participation in various communities,

and the list goes on…

Irrespective of whether these changes amount to a positive or negative influence on society, it cannot be denied that the influence is on a massive scale .

It is more than reasonable to expect that further changes to the legislated treatment of marriage, would again have huge effects on society at large.

Ideology

This "gay marriage" issue is part of an ideological campaign by a vocal minority.

Before making a value judgment on the prospective effects of a change, we digress to comment about the nature of the campaign to bring about "gay marriage". It is a movement driven by the ideological agenda of a vocal minority.

Irrespective of the regular advocacy for homosexual lifestyles afforded by the popular media, the portion of the people participating in the homosexual lifestyle is small, to the extent that it must be considered a fringe practice. Further, amongst the few members of society participating in the homosexual lifestyle, the numbers of long-term, "monogamous" relationships is small again. Further, amongst those who are in a long-term, same-sex, "monogamous" relationships, many do not desire to be in a same-sex "marriage".

That is, the large majority of people living some expression of the homosexual lifestyle would not seek to be married, should the laws be changed. This is *not* a point affirming that a majority's desire should decide the issue. We are simply noting that the issue is being peddled by a politicised and vocal minority, whose agenda is ideological reform; albeit masked by a flimsy argument in the name of "equality" (or the like). We should be suspicious of this vocal minority in the light of this masked approach.

What if it were a majority in favour of these proposed changes? We are not bringing into question the democratic processes enjoyed in Australia. We are simply suggesting that the nature of the issue should be properly considered. Should the majority be in favour of these proposed changes, we would suggest again that all should may be aware that what is in view is an ideological shift, that seeks to see the homosexual lifestyle as a mainstream and valid choice within society. In turn, we would suggest that the implications of this for society be carefully considered.

Tolerance and protection

This minority is seeking widespread social acceptance.

Those in the homosexual lifestyle are readily tolerated in our society. They are rightly protected against mistreatment and are afforded the legal status of heterosexual de facto couples. Such provides support for the welfare of those who may need it; and is an expression of the societal care and justice that Australians enjoy.

The move for a shift in the treatment of marriage is a move past justice, tolerance and protection; towards widespread social acceptance.

Slippery slope

A change to the treatment of marriage would prepare the ground for further expressions of the ideologies of those pushing for the change.

Further, we note that this move is an expression of individualist and secularist ideologies; thinking that is inconsistent with the common good and the liberties enjoyed in Australia and other countries. That is, we speculate that this move is supported by those promoting an aggressive ideology which seeks to privilege "individual rights" irrespective of the effect that they have on the wider community. This

ideology also seeks to rid the public sphere of attitudes based on religious conviction. That is, it seeks "freedom *from* religion". Both of these facets of the ideology are foreign to the philosophical foundations of Australian life and policy.

As such, we cite the *slippery slope* argument: by supporting a move that affirms individualism and secularism, this law change would prepare the ground for further moves in such ways. Examples of how this may play out are:

> legalisation of incest (an expression of facilitating "individual rights");
>
> or prohibition of public speech against homosexuality (by a religious practitioner or anyone else; an expression of facilitating "freedom *from* religion").
>
> Both of these changes would be a detrimental movement away from the concern for the common good and freedom *of* religion that Australia enjoys.

Whilst the *slippery slope* argument addresses issues not yet at hand; it does have an indirect bearing on the issue at hand and further reminds us of the wider ideological issues underpinning the issue at hand.

Effects of such a change

A shift in the treatment of marriage and the greater acceptance of homosexual practice and lifestyle that would ensue, would be damaging for society.

Public and legal acknowledgement of same sex marriage would confer upon it a legitimacy, that it has not held throughout the majority of history; a legitimacy that it should not hold.

Homosexual practice is morally wrong, as revealed by the Christian Scriptures.

This *revealed* assertion goes in hand with the empirically observable truth that homosexual orientation and practice is un-natural. The genitalia of men physically complement the genitalia of women. Likewise, the emotional characteristics commonly exhibited by men complement those of women. In the light of these and other factors, marriage provides an ideal context for intimacy, trust, mutual support, the bringing up of children, and fruitful interaction with society at large.

Further, there is ample evidence to suggest that homosexual practice is more dangerous than heterosexual practice. Medical practitioners happily attest to the physical damage easily done in the practice of homosexual intercourse. Likewise, the high rates of mental illness and self-harm amongst those with homosexual orientation suggest a dangerousness which cannot be purely attributed to social stigma.

Changing the definition and treatment of marriage in the ways suggested would lead to normalisation and validation of this (immoral and dangerous) homosexual practice. In turn, it would advocate that family life is validly done without people of the opposite sex. It would indirectly encourage the bringing up of children without *both* maternal and paternal influences.

Family life is a structure within society that facilitates communal well-being. The institution of marriage is a key pillar within society that supports this well-being. Whether involving children or not, the picture of intimate family life that is best for everyone, is one which involves people of both sexes, committed to each other in monogamous, recognised, marital commitment.

Equality

The argument that same-sex marriage provides "equality" is a furphy.

Same-sex cohabitation and sexual practice it is not equal to heterosexual marriage because they are essentially different. The differences between the sexes are essential to what has made the institution

of marriage (including its strengths and foibles) what it is. Obviously, the differences between the sexes has facilitated marriage's role in procreation and being the building block of society that it is.

In conclusion

Same-sex cohabitation should not be legitimised by calling it marriage, because it legitimises a fringe practice, that is not good for society at large or the people involved. It is no more a case of inequality than the stance that disallows a brother to marry his sister, or a father to marry his daughter; such practices are essentially different to marriage because of the biological, emotional and relational circumstances.

Exclusive, loving, long-term homosexual relationships are different to exclusive, loving, long-term heterosexual relationships. Treating a homosexual relationship as a marriage says that it is the same as all the heterosexual marriages, which comprise the foundation of our society (and indeed the world).

Should such changes be made, our society could rightly expect all manner of detrimental effects on the nature of society's relational structure, and the way children are brought up; not to mention the on-flow effects of such a promotion of individualist and secularist ideology.