



## *Fictitious families*

**Why the government of Australia needs  
to resist changes to the Marriage Act**

April 2012



Submission of the Presbyterian Church of Victoria  
Church and Nation Committee  
to the  
Senate Legal and Constitutional Affairs Legislation Committee  
with regard to the  
Marriage Equality Amendment Bill 2010

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## Introduction

The Presbyterian Church of Victoria welcomes the opportunity to provide a submission to the Senate Legal and Constitutional Affairs Legislation Committee with regard to the Marriage Equality Amendment Bill 2010.

We are deeply disturbed that the Australian Parliament is contemplating legislation that interferes with the centuries-old institution of marriage, particularly without a thorough investigation of the consequences for society, and especially for children.

As Christians, we are committed to the institution of marriage, both as a biblical prescription and a societal good. Traditional marriage has proven to be conducive to a host of positive results in society. Demonstrably, the most important of these has been the stability and security it has afforded to the task of raising children. It is our strong view that it is not possible to discuss marriage separately from children and the family unit.

Attempts to base a redefinition of marriage on the notion of *equality* is an overly facile approach to what is, fundamentally, a redefinition of the notion of *family*. We as Christians believe that children were designed by God to be brought up by their biological mother and father. But aside from our biblical convictions, we believe that there is a large body of research showing that, by every measure, children do better in the tripartite unit of father, mother, and child, best afforded by traditional marriage. Moreover, as the French parliamentary commission stated in 2006, separating marriage from familial links is not conscionable:

It is not possible to think about marriage separately from filiation: the two questions are closely connected, in that marriage is organized around the child.<sup>1</sup>

Same-sex marriage results in what the French government called ‘fictitious filiation’, whereby the biological links with natural parents are severed. We believe this is intrinsically detrimental to children and is sufficient cause on its own to resist all overtures to redefine marriage.

Accordingly, the Presbyterian Church of Victoria recommends that the *Marriage Act 1961* retains its current wording, that the definition of marriage remains

the union of a man and a woman to the exclusion of all others, voluntarily entered into for life

and that it preserves the terms ‘husband’ and ‘wife.’

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<sup>1</sup> French Government Commission, *Parliamentary Report on the Family and the Rights of Children*, January 27, 2006, found at <[www.preservemarriage.ca/eng/links.htm#FRANCE-REPORT](http://www.preservemarriage.ca/eng/links.htm#FRANCE-REPORT)>.

## Traditional marriage is in the best interests of the child

### Rights of the child vs. rights of the adult

Many people think about same-sex marriage as simply the right of two consenting adults to form a legally-recognised bond. Yet one of the most concerning outcomes of same-sex marriage is its disregard for the rights of the child. Marriage is meant to be pro-creational. This does not mean that all married couples will have children – some cannot for medical reasons, some marry later in life past the stage of fertility and a very small number do not want children. But this does not in any way diminish the fact that heterosexual marriage usually results in the birth of children: so logically, as nature intended it, this is the natural place for children to be raised. In this way, the rights of a child follow natural law, in contrast to homosexual relationships which do not. It is vital that any laws in our society preserve this distinction. As Alan Keys argues,

An individual who is impotent, or another who is infertile, does not change the definition of marriage in principle, because between a man and a woman in principle, procreation is always possible, and it is that possibility which gave rise to the institution of marriage in the first place as a matter of law.<sup>2</sup>

Proponents of same-sex marriage argue that they have a right to marriage; that it is an issue of equality, and that anything less is a form of discrimination. Yet some, like the commission tasked with reviewing France's marriage laws in 2006, argue that if it is discrimination, it is discrimination with a purpose. The French Parliamentary Report<sup>3</sup> argues that rights of the children actually trump the rights of adults in this instance, and this principle led them to

affirm and protect children's rights and the primacy of those rights over adults' aspirations.

In other words, the fundamental right of the child to live with their biological parents overrules the rights of adults to pursue a form of 'family' which denies children this right:

The best interests of the child must prevail over adults' exercise of their liberty. Legislators' response to social change must therefore be to place the primary stress on affirmation of the rights of the child, including when the child's rights conflict with parents' lifestyle choices.

By following this reasoning, the French denied same-sex couples access to marriage.

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<sup>2</sup> A Keys, 'Obama-Keys: On Civil Rights', *On the issues: Every political leader on Every Issue*, retrieved 29 March 2012, <[www.issues2000.org/Archive/Obama-Keys\\_Civil\\_Rights.htm](http://www.issues2000.org/Archive/Obama-Keys_Civil_Rights.htm)>.

<sup>3</sup> French Government Commission, 2006.

There is already an international legal framework which applies here, and that is the *United Nations Convention on the Rights of the Child*.<sup>4</sup> The preamble affirms the family as a fundamental societal unit which should be afforded special protection:

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Article 3(1) speaks of the importance of the best interests of the child:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 7 (1), article 9 (1) and article 9 (3) spell out the need for a child to have contact with their biological parents:

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Discussion about the 'rights of children' or the 'best interests of children' are almost unheard of in some of these current debates, including abortion, divorce and custody arrangements and permissive sexual advertising in the public sphere. It is not surprising that the homosexual groups and politicians promoting same-sex marriage seldom mention it. Same-sex marriage is yet one more threat to the wellbeing of children who will be affected by the day-to-day realities of these laws.

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<sup>4</sup> Office of the United Nations High Commissioner for Human Rights, *UN Convention on the Rights of the Child*, retrieved 27 March 2012, <[www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm)>

So, in fact, proposed amendments to the Marriage Act to provide for homosexual unions actually go against international law, natural law and the best interests of children. Given this, it is remarkable that such laws are even being contemplated.

### **Fictitious families**

One reason the French decided not to support homosexual marriage was because it would give access to adoption, medical intervention for conception and surrogacy. They were concerned about the artificial family structure created by same-sex marriage.

*It considered the consequences for the child's development and the construction of his or her identity of creating a fictitious filiation by law – two fathers, or two mothers – which is biologically neither real nor plausible.*<sup>5</sup>

Same-sex couples can never procreate within the boundary of their relationship like heterosexuals can, and therefore such relationships cannot be marriage. One might argue that if homosexual partnerships were meant to be a fundamental unit of kinship in our society, their function as such would be self-evident! Here the argument is always shifted to those few heterosexual marriages that do not result in children, yet the exception does not disprove the rule: a heterosexual relationship is the only relationship where children are naturally conceived.

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Adoptive children are also at risk if the proposed amendments go through. The rights and best interests of adopted children are already being undermined by overseas laws. A ludicrous state of affairs can be seen in adoption agencies overseas. Since same-sex marriage was legalised in Massachusetts USA, homosexual adoptions have nearly outweighed heterosexual ones! Stephen Baskerville provides astonishing evidence that:

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<sup>5</sup> French Government Commission 2006.

Forty percent of the adoptions in Massachusetts have gone to gay and lesbian couples.<sup>6</sup> (see i)

Given the argument favouring a child's biological links to their parents, one could argue that it is in the best interests of adopted children to also have both a mother and a father figure in their home environment. This was a consideration of the French Government Commission, whose common-sense pronouncements should be heeded:

Adopted children have already suffered the trauma of being abandoned, and, quite often, being uprooted. They must therefore be given the greatest possible protection from the risk that their parents will separate. Marriage therefore offers children better legal security.<sup>7</sup>

In fact, when same-sex marriage is sanctioned overseas, Christian adoption agencies that refuse to place children in these less favourable households are subsequently banned from adopting.<sup>8</sup> Yet such an unnatural setting for the upbringing of young children creates 'obstacles' to child development, as Pope Benedict highlights in a Vatican report:

As experience has shown, the absence of sexual complementarity in these [homosexual] unions creates obstacles in the normal development of children who would be placed in the care of such persons. They would be deprived of the experience of either fatherhood or motherhood.<sup>9</sup> ii

Further than that, he outlines that such practise is a form of child-exploitation which acts in contravention to international law:

Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development. This is gravely immoral and in open contradiction to the principle, recognized also in the United Nations Convention on the Rights of the Child, that the best interests of the child, as the weaker and more vulnerable party, are to be the paramount consideration in every case.<sup>10</sup>

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<sup>6</sup> S Baskerville, 'The continuing war on marriage and fatherhood,' *News Weekly*, October 2, 2010, p.16.

<sup>7</sup> French Government Commission 2006.

<sup>8</sup> See 'Legislative proposal could close all Catholic adoption agencies in US', *CatholicCulture.org*, 1 June 2011, retrieved 28 March 2012, <[www.catholicculture.org/news/headlines/index.cfm?storyid=10524](http://www.catholicculture.org/news/headlines/index.cfm?storyid=10524)>.

<sup>9</sup> Vatican, The Holy See, *Considerations Regarding Proposals To Give Legal Recognition To Unions Between Homosexual Persons*, retrieved 14 February 2012, <[www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20030731\\_homosexual-unions\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html)>.

<sup>10</sup> Vatican, The Holy See, *ibid.*

## Biological links matter

High-profile singer/songwriter Elton John and his male partner David Furnish stated that their child, Zachary, will never know his biological mother.<sup>11</sup> This deliberate exclusion of a biological parent is a tragedy. What is more of a travesty is that same-sex marriage will *institutionalise* this practice, resulting in deliberate deprivation of the inherent rights of children to know and have a relationship with their biological parents.

There is enormous responsibility involved in raising a child, and the pitfalls are everywhere. To add to this situation any adults as substitutes for biological parents is regrettable in the extreme. What happens when a young girl goes through puberty, or needs relationship advice? She will never know a mother's voice, a mother's intuition, a mother's love. What about when a boy needs his father during adolescence, a father deliberately denied him by the state?

The fact is that biology matters. As humans, we have an inbuilt desire to know who our natural parents are and where our biological roots are. Television shows such as *Who do you think you are?* (SBS) and *Find my family* (Lifestyle Channel) trace the struggle of individuals to find out their biological links, asking questions like,

**Who is my mother? Why did she give me up for adoption? Where does my father live? Why did he leave the country?<sup>12</sup>**

We cannot ignore the dangers to children when we treat them as transferrable commodities. There is something about shared DNA that cannot be ignored. Any laws that seek to sever these links should be rejected outright, and this point alone is enough reason to disqualify same-sex relationships from being categorised as marriage.

Time and time again, studies reveal that a child's biological parents are best placed to provide what a child needs. Fathers and mothers have a unique connection to their children in ways we still do not fully understand. One only has to look at an organisation such as *Tangled Webs*, set up by donor-conceived children, to see the pain, heartache and tragedy that ensues when children are deliberately denied access to their biological parents. Their Group Statement<sup>13</sup> on donor conception should be essential reading for those contemplating normalising such an environment. Their first point is particularly poignant:

**No-one has the right to a child. To claim the right to a child is to treat that child, another human being, as an end to satisfying one's own**

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<sup>11</sup> V Low, 'Who's the daddy? It could be either of us, says Elton John', *The Australian*, 19 January 2011, retrieved 13 March 2012, <[www.theaustralian.com.au/news/world/whos-the-daddy-it-could-be-either-of-us-says-elton-john/story-e6frg6so-1225990884982](http://www.theaustralian.com.au/news/world/whos-the-daddy-it-could-be-either-of-us-says-elton-john/story-e6frg6so-1225990884982)>.

<sup>12</sup> *Find My Family Australia*, Lifestyle Productions, retrieved 20 March 2012, <[www.lifestyle.com.au/tv/find-my-family-australia/](http://www.lifestyle.com.au/tv/find-my-family-australia/)>.

<sup>13</sup> Tangled Webs Inc., *Group Statement*, retrieved 2 Feb 2012, <[tangledwebsorg.wordpress.com/group-statement/](http://tangledwebsorg.wordpress.com/group-statement/)>.



desires, as an object and not as a person. To claim the right to a child is to claim jurisdiction over another human being's life when they have no say in the matter, when they have not given their consent, informed or otherwise.

They go on to stress that the interests of the child 'override' those of both the 'donors and of social and genetic parents.' Point three outlines the well-known fact that,

Social and psychological research overwhelmingly supports the proposition that it is in the best interests of every child to know and to be raised by his or her genetic parents.

Then again, it is reiterated that children's need for biological links to their parents cannot be supplanted by the demands of a couple unable to conceive:

The desire to provide children for infertile couples does not override the child's need for and right to this vital relationship with his or her genetic parents.

These are sensible and heartfelt conclusions reached by those who exist on par with those whose parents have abandoned them. They are essentially biological orphans, as they reveal here:

Furthermore, all donors must be advised that donating their DNA via gametes is tantamount to giving away one of their own children, and, if they demand anonymity, they are effectively abandoning that child. Donors must be informed they have obligations to any children they have thus created.

The website also throws up an interesting but seldom-argued point: that those who provide surrogacy to same sex couples are effectively abandoning their own children. Unfortunately, some realise this too late, and must live with the consequences.<sup>14</sup>

## **Gender issues**

Of course there are those who want to argue that gender in itself is a neutral characteristic which has no bearing whatsoever on parenting children. According to this argument, it is of no consequence whatsoever whether a child has a mother and a father living with them, or two mothers or two fathers. Any adult, of whatever gender, biologically related or not, can give a child the care it needs. Yet, this argument is at its core fallacious, and goes against a tsunami of evidence to the contrary.

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<sup>14</sup> See 'Surrogacy: Who should have parental rights?', BBC News UK, 21 August 2001, retrieved 28 March 2012 <[news.bbc.co.uk/2/hi/talking\\_point/1492198.stm](http://news.bbc.co.uk/2/hi/talking_point/1492198.stm)>.

In a recent interview on the *Sunrise* program, high-profile same-sex marriage advocate and former head of the Australian Medical Association, Kerryn Phelps, argued all that children require is 'a happy, safe, secure environment.'<sup>15</sup> She made a series of sweeping statements, claiming that all the research supports her contention that gender does not matter in parenting:

It is absolutely incorrect to say that any sort of studies say that 'mother and father' is the ideal way to raise a child, because all of the psychological societies around the developed world, all of the medical research, all of the scientific and sociological research shows that the gender of the parents is irrelevant when it comes to the welfare of children.<sup>16</sup>

It is unclear exactly what evidence or 'sociological research' she is referring to! She obviously had not read Patrick Parkinson's report, *For Kids' Sake*, a key feature of the *Sunrise* program that day and which we will refer to later.

Bill Muehlenberg, in *Strained Relations*, an important book which exposes the myths of homosexuality, cites British sociologist Patricia Morgan. Morgan conducted an extensive critique of 144 academic papers in favour of homosexual parenting, and her conclusions were that 'the overwhelming majority of these studies are quite worthless', that 'they are so poorly done that the "results" prove nothing.'<sup>17</sup> She states,

The methodological shortcomings include: failure to design the study properly; failure to properly measure the relevant variables; failure to control for extraneous variables; and failure to use proper statistical tests.<sup>18</sup>

She highlights the common use of anecdotal evidence, self-congratulatory testimonials, inadequately-sized sample groups, recruited by and targeted to those who have a vested interest in the outcome. She concludes that, in terms of scientifically-valid research of same-sex parenting,

Proper studies of child development based on randomly selected, representative sample groups seem not to exist.<sup>19</sup>

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<sup>15</sup> *Sunrise*, television show, 'Modern Families "Damage" Kids: Claims it contributes to child abuse and neglect', 9 February 2012, 7:15am, [au.tv.search.yahoo.com/search?p=Modern+Families+%E2%80%9CDamage%E2%80%9D+Kids&fr=sunrise-au-ss](http://au.tv.search.yahoo.com/search?p=Modern+Families+%E2%80%9CDamage%E2%80%9D+Kids&fr=sunrise-au-ss)

<sup>16</sup> *Sunrise*, *ibid.*

<sup>17</sup> P Morgan, *Children as Trophies? Examining the Evidence on Same-Sex Parenting*, UK: The Christian Institute, Newcastle Upon Tyne, 2002, cited in B Muehlenberg, *Strained Relations*, Freedom Publishing, Melbourne, 2011, pp. 143-144.

<sup>18</sup> P Morgan, *ibid.*

<sup>19</sup> P Morgan, *ibid.*

Morgan is not alone in her conclusions. Muehlenberg lists a whole number of researchers who have come to similar conclusions.<sup>20</sup> The truth is, the gender of the parent does matter. It is clear that men and women bring different strengths to parenting. Fatherhood and motherhood are distinctly different because fathers and mothers are different!

Scientifically, men and women are also different. At a genetic level, men and women have two distinct sets of chromosomes, and their brains are wired differently. Janet Albrechtsen quotes American neuro-psychiatrist Louann Brizendine, as saying,

There is no getting around the fact that women have different emotional perceptions, realities, responses and memories than do men, and these differences – based on brain circuitry and function- are at the heart of many misunderstandings. And it's in the hard wiring of the brain rather than the environment.<sup>21</sup>

Christine Gorman reviews research demonstrating scientific differences between men and women, adding that:

Males excel at rotating three-dimensional objects in their head. Females prove better at reading emotions of people in photographs. A growing number of scientists believe the discrepancies reflect functional differences in the brains of men and women.<sup>22</sup>

Because men and women are genetically, biologically and psychologically different, they bring different perspectives to parenting. The truth is that girls need a father and boys need a mother. Boys need a father and girls need a mother.

Both boys and girls define themselves and establish their own identity and expectations based upon their observation of both father and mother.<sup>23</sup>

Young girls mimic their mothers by caring for infants, applying instinctive nurturing qualities that many women possess. Young boys watch their fathers and take on their roles as protector and provider. As we will argue, there is a lot of research on how children establish their identity based on their parents' modelling, and that when one of the biological parents is absent, children often do not develop properly. A revealing truth of the marriage 'equality' debate is that a failure to bond with a parent of the same gender often contributes to a homosexual orientation.<sup>24</sup>

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<sup>20</sup> Muehlenberg, op.cit., p.136- 138.

<sup>21</sup> L Brizendine, *The Female Brain*, Bantam Press, London, 2007, cited by J Albrechtsen, 'Feminism begs to differ, but unisex brain is a fantasy,' *The Australian*, 27 September 2006.

<sup>22</sup> C Gorman, 'Sizing up the Sexes', *Time Magazine*, January 20, 1992, p.32.

<sup>23</sup> A Mohler, 'The case against', *Australian Presbyterian*, June 2011, no.637, p.10.

<sup>24</sup> See P Morgan, *Children as Trophies? Examining the Evidence on Same-Sex Parenting* and J.Satinover, *Homosexuality and the Politics of Truth*, Baker Books, Grand Rapids, 1996.

## Sociological evidence

The traditional family unit, which has existed almost unchallenged for centuries, has been proven time and time again to be the best place for children to be brought up. Research clearly shows that when children are not brought up in an intact family, consisting of their biological parents and any other siblings that come from this union, they have:

- greater potential to suffer physical, mental and sexual abuse
- greater potential to be exposed to sexually permissive behaviour
- greater potential to be confused with regard to gender
- greater potential for social, mental and psychological disturbance (see <sup>iii</sup>)

*For Kids' Sake*, a report authored by respected law professor and advocate of children's rights, Patrick Parkinson, highlights in some detail the effects on children and society when there is a breakdown in the family unit. This report contains a mind-boggling array of statistics from a breadth of research to show that biology matters. In fact, it matters so much that Parkinson begins his report stating that the adverse findings for children *begin* when biology is disregarded:

If there is one major demographic change in Western societies that can be linked to a wide range of consequences for many children and young people, it is the growth in the numbers of children who experience life in a family other than living with their two biological parents, at some point before the age of 16.<sup>25</sup>

Absent fathers are particularly concerning:

A large body of research indicates that living apart from a biological parent (typically the father) is associated with a host of negative outcomes that are expected to affect children's future life changes or ability to move up the income ladder.<sup>26</sup>

The evidence is clear that,

Children do best when reared **by their mothers and fathers in a married, intact family.**<sup>27</sup>

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<sup>25</sup> S Brown, 'Marriage and Child Well-Being: Research and policy perspectives', *Journal of Marriage and Family* no.72, 2010, 1059-1077, 1062, cited in P Parkinson, *For Kids' Sake: Repairing the Social Environment for Australian Children and Young People*, University of Sydney, Sydney, 2011.

<sup>26</sup> S McLanahan and C Percheski, 'Family Structure and the Reproduction of Inequalities', *Annual Review of Sociology*, no. 34, 2008, pp. 257-276, 264-65, cited in footnotes of P Parkinson, *ibid*, p.48.

<sup>27</sup> Witherspoon Institute, *Marriage and the Public Good: Ten Principles*, 9, 2008, cited in footnotes of P Parkinson, *ibid*, p.48.

Parkinson's report clearly highlights the disadvantage that children face in families other than an intact biological family:

The international evidence is clear that lone-parent families, blended families and stepfamilies are significantly more likely to be subject to reports of abuse and neglect than intact families where there are two parents biologically related to the children.<sup>28</sup>

The evidence shows that abuse of children occurs much more frequently when even one biological parent does not live with them:

Child abuse in lone parent families is about two and a half times higher than would be expected given the number of children living in such families.<sup>29</sup>

While Parkinson does not specifically mention homosexual partnerships, the manifold implications for children growing up in same-sex unions is impossible to miss. A key factor is the presence of adults in the household who are not biologically related to the child; a central component of homosexual relationships:

Two of the most significant reasons [children are more at risk of abuse when the two biological parents are not living together] are the presence of new partners who are not biologically related to the children, and the financial and other stresses of lone parenthood.<sup>30</sup>

Children and especially girls are at much greater risk of sexual abuse from the presence of men living in the household who are not biologically related to them than from their own fathers.<sup>31</sup>

This is amplified by the fact that homosexuals have very high numbers of sexual partners<sup>32</sup> and very low rates of stable, monogamous relationships.<sup>33</sup> Therefore, the greatest risk to children comes from the partners their biological father, if there is one at home, brings home:

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<sup>28</sup> H Turner, D Finkelhor and R Ormrod, 'Poly-victimization in a National Sample of Children and Youth', vol. 38, 2010, *American Journal of Preventative Medicine* pp. 323-330, cited in P Parkinson, *For Kids' Sake*, p.57.

<sup>29</sup> Australian Institute of Family Studies, 5: *Step Families and Blended Families*, Australian Institute of Family Studies, vol.63, <[www.aifs.gov.au/institute/pubs/diversity/05step.pdf](http://www.aifs.gov.au/institute/pubs/diversity/05step.pdf)>, cited in P Parkinson, *ibid*, p.58.

<sup>30</sup> P Parkinson, *ibid*, p. 58.

<sup>31</sup> See R Wilson, 'Children at Risk: The sexual exploitation of female children after divorce', *Cornell Law Review*, no.86, 2000-2001, pp. 251-327.

<sup>32</sup> Consider the SMASH report by G Prestage, et al., *Sydney Men and Sexual Health*, HIV AIDS & Society Publications, Sydney, 1996, p.34, cited by B Muehlenberg in *Strained Relations*, p.14: 'The report found, for example, that 26 percent of homosexual men had 21-100 partners in one lifetime; nearly 41 percent had 101-1000 partners; and 17 percent had more than 1000 partners.'

<sup>33</sup> B Muehlenberg in *Strained Relations* p. 13, reports a Dutch study that found that the length of 'steady' homosexual partnerships is 1.5 years, and these partnerships incorporate an average of eight casual sexual partners a year.

Children living with homosexuals – particularly male homosexuals – are more likely to face high prospects of repeated family disruption, or multiple family transitions and exposure to high stranger levels in the home, compared to those living with heterosexuals.<sup>34</sup>

Child abuse perpetrated by men biologically unrelated to a child is nearly seven times more likely to occur than abuse perpetrated by the father (1:6, compared with 1:40).<sup>35</sup> Such evidence cannot be simply dismissed and is indicative of the received wisdom that marriage, the natural family unit tied together with biological links, is the cornerstone of all stable societies.

### **Marriage as the cornerstone of society**

Marriage predates democratic society, notions of government and the modern state. Yet marriage has always been of interest to the state, primarily because marriage protectively encases a child in his or her natural family unit. The wellbeing of children is essential to the future functioning of the state and of society and hence the state has a duty to protect and guard the deposit of its future resource wisely. In this way, although marriage can exist without government or state, as it did in the beginning, it is obviously beneficial for the state to safeguard its position as the cornerstone of our society. As John Witte Jr writes,

Marriage is at once a natural, religious, social, and contractual unit; [...] in order to survive and flourish, this institution must be governed both externally by legal authorities and internally by moral authorities.<sup>36</sup>

Marriage is seen by many as a contribution to the ‘common good’ – a benefit to society. A society where the marriage bonds are strong and well-regarded is often a sign of a healthy society. British anthropologist, Joseph Unwin, who researched 86 cultures across 5000 years, found that society suffers when traditional marriage weakens:

The most prosperous cultures were those that maintained a strong traditional marriage ethic. Every civilisation that abandoned this ethic by liberalising their sexual practices began to deteriorate including the Sumerian, Babylonian and Egyptian empires.<sup>37</sup>

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<sup>34</sup> P Morgan 2002, *ibid*, p. 146.

<sup>35</sup> See D Russell, ‘The Prevalence and Seriousness of Incestuous Abuse: Stepfathers vs. biological fathers’, *Child Abuse and Neglect*, vol.8, 1984, pp. 15-22.

<sup>36</sup> J Witte Jr, *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, John Knox Press, Louisville, Kentucky, 1997, p.217.

<sup>37</sup> J D Unwin, *Sex and Culture*, Oxford University Press, 1934, cited by Dr David Phillips in *Light* magazine, Festival of Light, Australia, August 2006. p.11.

When young people are encouraged to pursue a lifelong, monogamous relationship, this greatly improves their productivity and produces untold benefits to their spouse and children. Heterosexual marriage is extremely beneficial to both women and men, providing emotional, mental and physical stability to each and to any children born to that couple. Witte Jr echoes these sentiments:

Marriage enhances the life of a man and a woman by providing them with a community of caring and sharing, of stability and support, of nurture and welfare.<sup>38</sup>

Of course, as we have argued earlier, one of the most positive aspects of marriage is the stability of the tripartite unit of father, mother, and child as the protective environment for the important task of raising children:

Marriage enhances the life of the child by providing it with a chrysalis of nurture and love, with a highly individualized form of socialisation and education. It might take a whole village to raise a child properly, but it takes a marriage to make one.<sup>39</sup>

## Homosexual marriage 'alternative'

The desirability of traditional marriage when compared with homosexual marriage is evident. Homosexual marriage by design destroys biological fabrics, creates gender segregation and causes gender confusion in a child.<sup>40</sup>

Optimistic proponents of same-sex marriage like to argue that the broadening of marriage to include same-sex couples will strengthen *all* forms of marriage.<sup>41</sup> In fact, the opposite is truer. Legalisation of same-sex marriage further weakens traditional notions of marriage, and makes way for further breaches of this important tie, in the form of polygamy and polyandry. If the fundamental unit of marriage can be altered in relation to sex, then why not number?

If, from the legal standpoint, marriage between a man and a woman were just one possible combination, the concept of marriage would undergo a radical transformation with grave detriment to the common good. In this situation, even the terms 'mother' and 'father' may become obsolete:

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<sup>38</sup> John Witte Jr, *ibid*, p. 219.

<sup>39</sup> John Witte Jr, *ibid*, p. 219.

<sup>40</sup> See Paul Cameron, 'Homosexual parents testing 'common sense' – A literature review emphasizing the Golombok and Tasker longitudinal study of lesbians' children', *Psychological Reports*, vol.85, 1999, p.282, cited in B Muehlenberg, *Strained Relations*, p. 136.

<sup>41</sup> As in R Croome, *Beyond equality: the deeper case for allowing same-sex couples to marry*, ABC Religion and Ethics, retrieved 15 March 2012, <[www.abc.net.au/religion/articles/2010/08/30/2997182.htm](http://www.abc.net.au/religion/articles/2010/08/30/2997182.htm)>.

Same-sex marriage would eliminate entirely in law the basic idea of a mother and a father for every child. It would create a society which deliberately chooses to deprive a child of either a mother or a father.<sup>42</sup>

Pope Benedict rightly argues that traditional marriage is recognised by the government because it is a superior relationship in terms of its ability to provide for successive generations. By contrast, homosexual unions do not provide this function:

Because married couples ensure the succession of generations and are therefore eminently within the public interest, civil law grants them institutional recognition. Homosexual unions, on the other hand, do not need specific attention from the legal standpoint since they do not exercise this function for the common good.<sup>43</sup>

Traditional marriage ensures that the protective unit surrounding a child is defended. For the state to breach that boundary is to act in conflict with the interests of government and civil society:

By putting homosexual unions on a legal plane analogous to that of marriage and the family, the State acts arbitrarily and in contradiction with its duties.<sup>44</sup>

The state cannot both promote the best interests of the family unit and promote homosexual marriage. The two work against each other:

Given the values at stake in this question, the State could not grant legal standing to such unions without failing in its duty to promote and defend marriage as an institution essential to the common good.<sup>45</sup>

## Conclusion

G. K. Chesterton once said,

Don't ever take a fence down until you know the reason it was put up.

Those who do not use or understand a social institution are the last people who should be allowed to reform it. It concerns us that much of the public debate has been framed as a debate on homosexual marriage rights as if marriage was simply about adults and their needs. Marriage, as we have argued, is the cornerstone of society and worthy of special and particular interest by the state. The tripartite unit of father, mother and child is a unique

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<sup>42</sup> Vatican, The Holy See, loc. cit.

<sup>43</sup> Vatican, The Holy See, loc. cit.

<sup>44</sup> Vatican, The Holy See, loc. cit.

<sup>45</sup> Vatican, The Holy See, loc. cit.



and exclusive bond which must continue to be both protected and promoted by the state, in order that children can flourish and reach their potential.

The Presbyterian Church of Victoria cannot comprehend why a family model built on the deliberate exclusion of one or both biological parents is being contemplated. The evidence overwhelmingly supports the idea that a child is best brought up with any siblings in an intact, biological family.

The Presbyterian Church of Victoria believes that homosexual marriage is a highly risky social experiment, whose harmful effects (see<sup>iv</sup>) far outweigh any perceived benefits. The government of Australia should not risk the wellbeing of children by intentionally weakening the very institution that evidence and experience tell us provides for the best possible childhood.

To weaken the important bond of marriage is to attack the very foundation of our society, tantamount to an act of self-sabotage, with deleterious consequences for all in our nation. The marriage bond must remain strong, and for that to occur, it must remain between a man and a woman, committed to each other, for life.

## Endnotes

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<sup>i</sup> This is a particularly concerning outcome, given the following information from the Australian Family Association, retrieved 28 March 2012, <[www.family.org.au/index.php?option=com\\_content&view=article&id=421:arguments-against-homosexual-marriage&catid=53:federal&Itemid=53](http://www.family.org.au/index.php?option=com_content&view=article&id=421:arguments-against-homosexual-marriage&catid=53:federal&Itemid=53)>.

In the six states and the District of Columbia where homosexual marriage has now been legalized it has been **imposed either by activist judges** (in Connecticut, Iowa and Massachusetts) **or by state legislatures** (in Vermont, New Hampshire, New York and D.C.). **Homosexual marriage has never been legalized in any US state by a direct vote of the people.** In fact, in each of the 30 states where the definition of marriage has been voted on by the people, **constitutional amendments have been passed to define marriage as only between a man and a woman.** In two US states so far, **voters have reversed attempts to legalize homosexual marriage.** California amended its constitution by a ballot initiative to reverse homosexual marriage. Maine voters exercised their “citizen’s veto” to prevent a same sex marriage bill passed by the legislature and signed by the governor from becoming law. Again, the New York legislature refused to put homosexual marriage to a vote of the citizens of NY. **Hence, it can be said that same-sex “marriage” redefines marriage for everyone, destroying the tried and tested, universal definition of natural marriage as necessary to protect the best interests of children and future generations.**

<sup>ii</sup> Dr TL Hansen, Ph.D., *‘Love isn’t enough’*, MercatorNet, 2 June 2009, retrieved 28 March 2012, <[www.mercatornet.com/articles/view/love\\_isnt\\_enough](http://www.mercatornet.com/articles/view/love_isnt_enough)>.

Boys and girls need an opposite-sexed parent to help them moderate their own gender-linked inclinations. As example, boys generally embrace reason over emotion, rules over relationships, risk-taking over caution, and standards over compassion, while girls generally embrace the reverse. An opposite-sexed parent helps a child keep his or her own natural proclivities in check by teaching—verbally and nonverbally—the worth of the opposing tendencies. That teaching not only facilitates

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moderation, but it also expands the child's world—helping the child see beyond his or her own limited vantage point.

<sup>iii</sup> The results of continuing deteriorating in child welfare will be keenly felt in the financial purse in the areas of mental health and child protection services, as the government increasingly takes over more responsibility for damaged children. As Terri Kelleher states, 'Ultimately the state shoulders the substantial direct and indirect costs of these and other consequences of family breakdown, single parenthood and fatherlessness.'

T Kelleher, 'It takes a man and woman to make a marriage', *Viewpoint: Perspectives on public policy*, issue 6, June 2011, p.14.

<sup>iv</sup> For a quick overview of some other consequences of same-sex marriage, such as:

- o The teaching of homosexuality as 'normal' in primary & secondary schools, including explicit teaching about homosexual sex, for which the parents will have no recourse to opt-out their children
- o Blatantly pro-homosexual advertising in the media, on billboards and in television and movies
- o Pro-homosexual literature displayed in the children's section of libraries
- o Mandatory requirements for celebrants and religious clergy to enact homosexual marriages or face civil charges including imprisonment

note what has happened in Massachusetts since same-sex marriage was legalised:

**see B Camenker, 'What same-sex "marriage" has done to Massachusetts: It's far worse than most people realize',**

MassResistance.org, October 20, 2008, retrieved 2 February 2012, <[massresistance.org/docs/marriage/effects\\_of\\_ssm.html](http://massresistance.org/docs/marriage/effects_of_ssm.html)>.



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