



**Australian Catholic
Bishops Conference**

**Submission to the
Senate Legal and Constitutional Affairs Committee
inquiry into the
Marriage Equality Amendment Bill 2010**

April 2012

Summary

The Catholic Church (the Church) is concerned with all that impacts on human wellbeing.

The Church makes this submission to support continuing to define marriage as the exclusive and permanent union of a woman and a man. It strongly opposes changing the definition to include same sex marriages.

Gay people should be treated with respect and compassion, but that is not the same as allowing the institution of marriage to be changed.

Changing the meaning of marriage to something which it is not discriminates against all those who have entered into marriages and are faithful to that commitment, whether for one, ten, thirty or fifty years.

The Church recognises that people of the same sex can have deep and loving friendships, but the Church strongly holds that these friendships cannot lead to marriage because of the particular nature and role of marriage.

The reason governments have an interest in marriage is because it is a union that might produce children. Governments promote stable marriages because they are important to the welfare of children and because marriages and families are key to the future of the community.

Families are small communities in themselves on which the wider community is built and they are the main place in which children are socialised to take their place in the wider community.

The Church recognises that women and men are equal in dignity but different, not only in their physical attributes but also spiritually and psychologically. Though different, there is a complementarity between men and women that allows a sexual union.

Not all genital acts between a woman and a man are procreative but all imply the possibility of procreation.

While a same sex couple might have a genuinely loving relationship, the ability of marriage between a man and a woman to lead naturally to children, prompting the state's interest in the welfare of children resulting from those unions, cannot be found in same sex marriages.

The Church agrees there should not be unjust discrimination against same sex attracted people. But it is not unjust to point out the special nature of marriage, that

same sex marriages would be quite different and to argue that given the two relationships are quite different, they therefore should not be called the same thing.

It is important that children have access to both a mother and a father, and while many families struggle to do their very best with a single parent, governments should not decide as a matter of policy that this should be a new norm.

Introduction

The Australian Catholic Bishops Conference (ACBC) is a permanent institution of the Catholic Church in Australia and the instrumentality used by the Australian Catholic Bishops to act nationally and address issues of national significance.

The Catholic Church and its agencies (the Church) contribute in a wide variety of ways across the spectrum of Australian society. It is the largest non-government employer in Australia across pastoral care, health care and education, and Catholics comprise some 26 per cent of the Australian population across every State and Territory and Federal electorate. As an integral part of its core mission, the Church seeks to assist people experience the fullness of life. It is concerned with all that impacts on human wellbeing.

The Church makes this submission to support continuing to define marriage as the exclusive and permanent union of a woman and a man. It strongly opposes changing the definition to include same-sex marriages. The Church is encouraging the more than five million Catholics in Australia not to support a change and to make their views in opposition to this change known to their Parliamentary representatives.

The Church recognises marriage as part of the broader human ecology:

The book of nature is one and indivisible: it takes in not only the environment but also life, sexuality, marriage, the family, social relations: in a word, integral human development. Our duties towards the environment are linked to our duties towards the human person, considered in himself and in relation to others.¹

Gay people should be treated with respect and compassion,² but that is not the same as allowing the institution of marriage to be changed. This debate is not about loving or hating gay people, but about protecting the institution of marriage for the benefit of the whole community.

Changing the meaning of marriage to something which it is not discriminates against all those who have entered into marriages and are faithful to that commitment, whether for one, ten, thirty or fifty years. Contemplate for a moment the hurt, and in fact insult, to a couple married fifty years to be told marriage is now something entirely different.

¹ Pope Benedict XVI (2009), *Caritas in Veritate: Integral Human Development in Charity and Truth*. St Pauls Publications, Strathfield. Page 101-102.

² Congregation for the Doctrine of the Faith (2003), *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons*. 3 June.

Whilst recognising that people of the same sex can have deep and loving friendships, the Church strongly holds that these friendships cannot lead to marriage because of the particular nature and role of marriage.

The meaning of marriage

The reason governments have an interest in marriage is because it is a union that might produce children. Whilst not the only way to have children and provide for their upbringing, it is the case for the great majority in Australia and so governments promote stable marriages because they are important to the welfare of children and the key to the future of the community.

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.³

Families are formed by a man and a woman choosing to come together in marriage and are the place where children develop into adults with their own personality and an understanding of their responsibilities. They are small communities in themselves on which the wider community is built and they are the main place in which children are socialised to take their place in the wider community. Families pass on community values to children as well as spiritual and cultural heritage.

Marriage is not a simple agreement to live together but a relationship with a social dimension that is unique with regard to all other relationships, since the family – attending as it does to caring for and educating children – is the principal instrument for making each person grow in an integral manner and integrating him positively into social life.⁴

It is in the public interest to have marriages producing and socialising new generations, in families, to support the ongoing survival of the community.

Marriages are a natural place to produce children, but where marriages do not produce children the relationship is not contrary to the norms and values of marriage and the spouses can show their love and generosity in other work.⁵

³ Congregation for the Doctrine of the Faith (2003), *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons*. 3 June.

⁴ Pontifical Council for Justice and Peace (2009), *Compendium of the Social Doctrine of the Church*. Burns and Oates, London. Page 119.

⁵ Pontifical Council for Justice and Peace (2009), *Compendium of the Social Doctrine of the Church*. Burns and Oates, London. Pages 110-114.

If marriages were no longer oriented to producing and raising future generations, why would governments take an interest?

Complementarity of the sexes

The Church's position on marriage is founded on an understanding of human ecology.

The Church recognises that women and men are equal in dignity but different, not only in their physical attributes but also spiritually and psychologically. Though different, there is a complementarity between men and women physically, psychologically and ontologically.⁶

It is this complementarity between women and men that allows a sexual union between men and women. Not all genital acts between a woman and a man are procreative, but all imply the possibility of procreation. It is this aspect of marriage that cannot be copied by a same sex couple.⁷

Marriage involves love, but also the sexual expression of love. The biological relationship to any children resulting from the parents creates a bond between the parents and the child. Children can look to their origins from their parents and that special human relationship gives children status.

While a same sex couple might have a genuinely loving relationship, this sexual complementarity, the ability of marriage between a man and a woman to lead naturally to children and therefore prompting the state's interest in the welfare of children resulting from those unions cannot be found in same sex marriages.

Love and equality

Those arguing for same sex marriage have said there should be a change in the definition of marriage because of the "power of love" and the need for "full marriage equality"⁸, to "end discrimination against same-sex couples"⁹ and because "marriage

⁶ Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World from Cardinal Joseph Ratzinger, 31 May 2004.

⁷ Gleeson, G (2003), *Being Human: A Reflection Paper*. Catholic Communications, Melbourne.

⁸ Bandt, Adam, Marriage Equality Amendment Bill 2012: Second Reading Speech. *House of Representatives Hansard*, 13 February 2012. Page 25.

⁹ Jones, Stephen, Marriage Amendment Bill 2012: Second Reading Speech. *House of Representatives Hansard*, 27 February 2012. Page 107.

should be available to all loving couples, regardless of their gender or sexual orientation".¹⁰

The Church agrees there should not be unjust discrimination against same sex attracted people. But it is not unjust to point out the special nature of marriage, that same sex marriages would be quite different in nature and purpose and to argue that given the two relationships are quite different, they therefore should not be called the same thing.¹¹

Some discrimination in society is necessary and not at all unjust. Governments make laws relating to consanguinity and affinity in marriage for very good and practical reasons. Similarly there are legislated age-related restrictions on eligibility for marriage and driver's licenses, gender-related restrictions on some public activities such as the use of public toilets and a raft of other legislated restrictions, which are justified forms of discrimination, to ensure society functions coherently.

The Church also believes in the power of love, but in love balanced by truth:

Without truth, charity degenerates into sentimentality. Love becomes an empty shell, to be filled in an arbitrary way. In a culture without truth, this is the fatal risk facing love. It falls prey to contingent subjective emotions and opinions, the word 'love' is abused and distorted, to the point where it comes to mean the opposite. Truth frees charity from the constraints of an emotionalism that deprives it of relational and social content, and of a fideism that deprives it of human and universal breathing-space.¹²

So the appeals to love and equality as a reason for changing the definition of marriage do not acknowledge that love must be tempered by reason and that equality cannot be demanded when one is asking for quite different things to be treated as being the same.

If marriage no longer means "... the union of a man and a woman to the exclusion of all others",¹³ what is to stop the same arguments of love and equality being made to support other changes to the definition? For example, the arguments could be used in an attempt to support polygamy, polyandry and polyamory. There was a report

¹⁰ Hanson-Young, Sarah, Marriage Equality Amendment Bill 2010: Second Reading Speech, *Senate Hansard*, 29 September 2010. Page 307.

¹¹ Congregation for the Doctrine of the Faith (2003), *Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons*. 3 June.

¹² Pope Benedict XVI (2009), *Caritas in Veritate: Integral Human Development in Charity and Truth*. St Pauls Publications, Strathfield. Page 10.

¹³ Marriage Act 1961, Australia.

earlier this year that Australian polyamorists were being kept at a distance by equal marriage activists to help the passage of same sex marriage legislation.¹⁴ The Church teaches such relationships are “... contrary to conjugal love which is undivided and exclusive”.¹⁵

Conclusion

This is a debate between people holding two key ideas: the first is that children deserve both a mother and a father and we should try to give them that intact family; the second is that all forms of family have equal value.

But the question remains, if marriage is no longer about a father and mother working together in a loving relationship to bring up their children, what is its unique character? If same sex marriages were allowed on the basis of love and equality, why couldn't marriage be redefined to include any combination or number of people?

Society legislates for very good reasons against polygamy, for example. Under the proposed changes, the argument of the 'slippery slope' strongly suggests that marriage will soon be well beyond any current boundaries of reasonableness and encompassing any form of loving relationship whatsoever. Once the principle of marriage being between a man and a woman is breached, logical and psychological processes will take over to push the changes to their limit.

With no clear rationale for marriage, won't people be less likely to respect the institution and try to live by the principles of permanence and exclusivity, which are essential to the common good as building blocks for families and the broader community?

Allowing same sex marriage would satisfy the demands of some adults but it would not be in the interests of children as it would endorse the deliberate creation of motherless or fatherless families. It is important that children have access to both a mother and a father, and while many families struggle to do their very best with a single parent, governments should not decide as a matter of policy that this should be a new norm.

¹⁴ Polyamorists defend parade spot. *Same Same*, 4 February 2012.
<http://www.samesame.com.au/news/local/7953/Polyamorists-defend-parade-spot.htm>

¹⁵ Catechism of the Catholic Church, 1645.