

To the Senate Enquiry

Dear Chair and Committee Members,

I write to you regarding the need to keep the traditional definition of marriage within Australian law.

Often there is a religious argument that accompanies this position. However, as there is a strong view that Australia is a secular and multicultural country it is best to give legal and cultural reasons to keep the traditional definition of marriage. They will be listed as follows:

- Marriage is an exclusive right. Just as the drafting and executing of the will of a deceased person is exclusive so too is marriage. The wishes of the deceased are not disrespected and bequeaths or trusts that are directed according to their will are not redirected by another external agency. Yes this does happen on occasion but only after being tested in court and only after interpretation of the will. Marriage is exclusively between a man and a woman. Its legal status is as fixed as a will because of the precedents that come with marriage: children and families. Like a will, marriage is more than just a contract it is a covenant and is defined exclusively by what it is, not arbitrarily by what it could be. Yes a marriage is tested in court but that is when it is breaking down and only after the rights of the parties are considered -- including and especially the children -- just in the same way a will is tested when there is disagreement.

- Marriage is not a civil right. For the reasons outlined above, marriage is an exclusive right. Historically, civil rights have sought to unite rather than divide and make equal rather than segregate. Marriage in itself is not like this -- especially when it is between two different genders. Simply put with marriage a man cannot give birth to his son. A wife will statistically live longer than her husband. To say that there is little to no difference between the genders -- thereby equalising them -- is to ignore reality. This was not the case with the civil rights movement in the United States of America where in The Rev Dr Martin Luther King Jnr's I Have a Dream sermon he points out that white men stood shoulder to shoulder with black men. His was a plight that fulfilled the American Constitution: that all men are created equal. He of course meant men of all races are created equal. It would be a great disrespect to that great man's legacy to say that men and women are equal because there are no physiological differences. It would be better put that men and women are complementary and that a great marriage really heightens this.

- Migrants coming to Australia only know the traditional definition of marriage. Many migrants coming to Australia tend to honour the traditions they've left behind. Australians respect this and this is how the nation is so tolerant of other peoples and culturally dynamic in its cities and regions. The impact to the wealth of this country by migrants making a new life here are points that always deserve repeating. Australia is a richer place for it. Yet many come with a traditional view of marriage. Some cultures see the union of husband and wife as the official joining of two families. Some cultures see the forming of the family as something that becomes an institution itself. Some cultures see that marriage is the start of independence rather than dependence. For marriage to be redefined for these cultures would be shocking. It may be that the Australia they once saw when they first came no longer exists. By redefining marriage, we might be alienating the multicultural society many Australians embrace.

- Historically unprecedented. It is worth pointing out that throughout history marriage at some level has been defined between a man and a woman. Even in polygamous marriages the centre of the relationship is not shared equally between all members of that marriage but it is centered on the husband; it is the husband's wives. To redefine marriage not between the genders goes further than polygamy. Even the Greeks and Romans, where same-sex relationships were not uncommon, never went so far as to have marriage -- a legal union of two houses -- be defined as something other than between a man and a woman. This would be unprecedented in human history. And the magnitude of this should not escape those members of parliament and those Australians who are strongly considering the redefinition of marriage.

Thank you for your consideration to the matter of keep the traditional definition of marriage and for reading this entire response, which I hope you can see is not a form letter. I hope these arguments have persuaded those thinking of changing the definition of marriage to keep it the way it has always been.

Warm Regards,