



THE BIG QUESTIONS ABOUT MARRIAGE

ABOUT THE AUTHOR

Dr Con Kafataris is a medical doctor who has been practicing in occupational medicine for the past 20 years. He began researching the effects of same sex marriage in 2013 and given that he has 5 children, he was quite interested in the effects on marriage and children in particular. To address this, he did what medicine trained him to do, examine the evidence. This led him to look at a wide range of sources across a variety of fields, ranging from medicine to social sciences to philosophy. This emphasised to him the importance of preserving traditional marriage and that legalising same sex marriage had the potential to cause significant negative effects for society.

"The Big Questions on Marriage" is a summary of much of this research. Dr Kafataris remains committed to waking up the 'silent majority' of Australians about the importance of traditional marriage and the importance of keeping marriage between one man and one woman.

THE BIG QUESTIONS ABOUT MARRIAGE

The following pages contain answers to some of the biggest questions that are currently being asked about marriage. The catalyst to preparing this document was the ever-increasing push to redefine marriage to allow homosexuals to marry. This is however only the latest phase of the process that has been slowly eroding marriage as an institution over the last 30-40 years. If we are going to have any hope of preserving marriage as the foundation of our society, then we as members of society need to have a working knowledge of the purpose, practices and primary features of marriage. We need to be able to answer basic questions about it and also address common misconceptions about it. We also need to be able to refute some of the current arguments supporting same-sex 'marriage' that are heavy on emotional rhetoric, but very light on logic and content. It is for this purpose that this document has been prepared.

The material used for these answers has come from a variety of sources from both scientific and philosophical backgrounds. Amongst these are two books that are written by authors who are philosophically and politically at opposite ends of the spectrum and yet they come to remarkably similar conclusions regarding marriage. At one end we have David Blankenhorn's 'The Future of Marriage'. He describes himself as a 'liberal democrat' who is willing to disagree with what the Bible says and has studied marriage extensively. At the other end is the book 'What is Marriage? A defence' written by the socially and religiously conservative scholars Robert George, Sherif Girgis and Ryan T. Anderson. They go to great lengths to show that their defence of the traditional view of marriage is based on philosophy and social science, rather than religion. The fact that these scholars who have radically different political and religious views have come to exactly the same conclusions regarding traditional marriage makes it highly unlikely that these conclusions are 'coloured' by any biases or preconceptions. No, they come to the same conclusions because the conclusions are fundamentally true. In addition to these books, I have utilised a variety of other sources to varying degrees.

I would point out that Blankenhorn has since gone on to publicly support same-sex marriage in 2012. This support however did not occur because he found 'new knowledge' that rendered the views described in his book invalid. No, he supported it basically because he saw that opposing it had gotten him no where. He states:

“ *No same-sex couple, married or not can ever under any circumstances combine biological, social and legal parenthood into one bond...I have written these things in my book and said them in my testimony, and I believe them today. I am not recanting any of it.* ”

He then goes on to list the reasons for his change of position. These are: the recognition of the worth of homosexual love; the need for us all to compromise so that we can live together in 'comity' or mutual acceptance; and the fact that more and more Americans were in favour of gay marriage. Therefore, rather than ceasing his opposition because his basic views had changed, he was adopting the mentality of 'if you can't beat them, join them'. So, let us not be fooled into believing that just because Blankenhorn himself no longer opposes SSM, that the arguments in his book do not oppose it.

The format is quite simple. I have taken a series of common questions and arranged them according to the basic categories of questions that can be used to describe anything: when, where, what, who and why? Within these categories, there will be a series of questions addressing common topics, arguments and issues. I have endeavoured to keep the answers short, easy to understand and easy to use in a debate/discussion on the issue. The answers are based on logic, scientific fact and common sense, rather than appealing to emotions. Where necessary, graphs and tables are included. I have attempted to walk the fine line between covering all possible questions/ objections on the one hand and not going into unnecessary detail on the other. It is hoped that I have been successful in this task.

The following abbreviations are used throughout the material

- **SSM** (Same sex Marriage)
- **SSC** (Same sex couples)
- **LGBT** (Lesbian/Gay/Bisexual/Transgender)
- **OSC** (Opposite Sex Couples)
- **MM** (Man/Man)
- **WW** (Woman/Woman)
- **MW** (Man/Woman)

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WHEN

▶ When did Marriage Originate?

- Human civilisation basically began when males and females began to pair bond sexually and live together to raise the children that came from this sexual activity.
- It first appears 5-7000 years ago and has been described as the 'great leap forward' in terms of human civilisation. Prior to this children were basically raised by their mothers but pair bonding transformed the male from just the inseminator into the father.
- The primary reason this occurred was because human children remain dependant on adults for 10 years or more, way longer than other primates. A mother alone cannot bear, nourish, provide shelter for, and protect from predators and other dangers on her own; a father is needed as well.

WHERE?

► Where do we see Marriage develop?

- Pair bonding occurred for biological reasons, but marriage itself was a social invention. Marriage as a social institution first appears in the 'river valley' civilisations of Ancient Mesopotamia and Egypt. These civilisations created elaborate legal and social codes to both protect and regulate marriage. The Greeks and Romans followed suit and borrowed these codes. This in turn influenced Western civilisation.
- Even though these societies can be regarded as 'patriarchal' or 'male dominated', these social codes WERE NOT about making women 'property' or preserving male domination. These legal and social codes WERE instituted to ensure that a man who married a woman cared for her and any children that she may have had.
- Examples of these include
 - A. One third of the laws of Lipit Ishtar, ruler of Sumer (1900BC) concern marriage and procreation.
 - B. Dadusha of Eshunna (1800 BC)states that if a man divorced his wife after she bore him children, she was entitled to economic compensation from 'whatever he owns'.
 - C. Egyptian advisor to the Pharaohs Ptah-Hotep tells his son in 2450 BC to '*found thy household and love thy wife at home as is fitting. Make her heart glad as long as thou livest*'

HOW?

▶ How did societies based on FATHER'S RIGHTS view marriage?

- Marriage was between one man and one woman. Although some of the royalty may have practiced polygamy, it was by no means the norm for the ordinary citizen.
- A man was obligated to care for his wife and any children that she bore him.
- A man who was not an adequate husband or father was an object of shame and ridicule.

▶ How does a society that is based on MOTHER'S RIGHTS view marriage?

- Even in societies that are base on 'mother rights' (eg the Trobrianders of Melanesia) describe marriage as being between one man and one woman as husband and wife
- In these societies, every child had BOTH a mother and a father.
- Even though motherhood was determined biologically, fatherhood was not. A father became a father because he was married to the mother, even if he had not impregnated her. Despite this, every child had a father and a mother.

“ “ *The nuclear family is universal to all known human societies and contains two core features. The first is a mother loving and caring for her child. The second is that the mother has a special relationship to a man outside her descent group who is sociologically the father of the child.. For every child, a mother and a father. That's the primary rule. Even for society that is*

largely guided by mother-right. Even for societies with unusually permissive sexual codes. Even for societies in which the father is viewed as biological stranger to his child'

Blankenhorn

▶ **HOW did cultures that were 'exceptions' to the traditional view of marriage REALLY view marriage**

- There were some cultures (the Nayars of India) that altered the norms and structure of marriage away from a husband, wife and children but this only occurred when the men were preoccupied with some 'other calling' that meant that they could not adequately fulfil the role of husband and father. This was usually for some kind of military service and therefore they made other arrangements for their wives to be taken care of financially, and for them to be impregnated by other men of a higher social standing so that they could have children. This was very much an aberration in anthropological terms however, and once this 'other purpose' disappeared, the culture rapidly reverted to male/female monogamous marriage.
- Some cultures in Melanesia and Africa allowed temporary socially sanctioned man-boy 'marriage'. Again however, this was because these men were involved in another 'calling', military service, that prevented them from taking a wife. Once this period of military service ended and the man left the barracks, he was expected to take a female wife.
- Some cultures eg the Neurs in Sudan practiced woman-woman marriage but this only occurred when a wealthy woman was barren and had no children. They overcame this by becoming 'the woman that counts as a man' and marrying a woman. They could recruit a male relative to impregnate the wife and the 'woman who counts as a man' would be

regarded as the legal father of any children the wife bore. It should be clear that this arrangement occurred **PRECISELY BECAUSE** marriage is about bearing and raising children and really has nothing to do with the modern concept of same-sex 'marriage'.

It should be clear that all of these examples occurred because external circumstances such as military service and infertility prevented people from participating in marriage as it was traditionally understood in these societies. As such, the society made 'special considerations' that were indeed exceptions to the rule. It is clear that as far as these societies were concerned however, the 'rule' of marriage was clear: a husband for every wife, and a mother and father for every child.

► **HOW has marriage changed over the centuries and HOW has it stayed the same?**

- **It has always been about raising children.** We see that whether a society is male or female dominated, marriage has NOT been about the exploitation of woman. It has always been about socially approved sexually intercourse and it has always been about bearing and raising children. Any variations have occurred **ONLY** when people have tried to remove the functions of sex for procreation and the raising of children. While royalty may have used marriage for political purposes and the gaining of property, this was by no means the rule for the majority of society.
- **Needs, themes and variations.** Our **needs** are determined by basic biology. Thus we all need to eat, have shelter, have companionship etc. These needs are then ordered into **themes** or templates and each theme/template can have multiple **variations** on the theme, but it is still the same theme. For example, we have the need to eat, but we can divide food into templates/themes of plant vs animal, cooked

vs raw. From there we can get the many different varieties of cuisine. Thai food tastes different to Italian, but they are both still combinations of plant and animal products, cooked and raw.

- **Marriage follows the same pattern.** Our basic biology means that men and women must have sexual intercourse to procreate. From here societies developed the theme of a mother and father living together as a married couple to raise their children. From there different cultures have developed multiple variations in wedding ceremonies and other traditions. As with the food example, all of these variations still involve a man and woman living together to raise their children.

WHAT?

▶ WHAT THIS DEBATE IS REALLY ABOUT.

- It is about **ideas** not **individuals**.
- It is about two ideas that are in conflict. The first is that marriage is a social institution fundamentally about bearing and raising children. The second is that marriage is a private arrangement fundamentally about affirming the emotional needs of adults.
- It is about two conflicting ideas that are **mutually exclusive**. That is, they cannot both be true at the same time. The following table summarises these two views.

	TRADITIONAL VIEW Marriage as a social institution	REVISIONIST VIEW Marriage as a 'private arrangement'
Vows and unions	vow comes BEFORE the union	Vow comes AFTER the union
From where is meaning derived?	Marriage exists on its own as an OBJECTIVE REALITY exerting authority independent of people	It is a SUBJECTIVE PROJECTION that derives its meaning entirely from the couple
Who fits What	Individuals adapt their desires to fit marriage	marriage must adapt to fit the desires of the individual
Who determines the 'norms' of marriage	The institution determines the norms for the individual	The individuals privately compose their own norms and expect society to accept them
Who defines Whom?	Marriage defines the united individuals	The individuals define the marriage
What is marriage for?	Socially ordered sexual intercourse and raising children	Nothing to do with sex or raising children. Only about emotional fulfilment
What is marriage based on?	individuals commit to following the norms and rules of marriage are its foundation	The emotional satisfaction of the individuals is its foundation
Fixed or fluid?	Although there can be variations an a theme, certain fundamentals of marriage don't change.	Marriage is entirely fluid and can be adapted to meet the emotional needs of the couple
Who supports Whom?	The individuals support the institution of marriage and contribute goods to society	The institution exists to validate and support the emotional needs of the individual.

▶ WHAT THIS DEBATE IS NOT ABOUT.

- ***It is NOT about homosexuality, it is about marriage***
- ***It is NOT about love and commitment, it is about marriage.***
Proponents of SSM such as Rodney Croome allege that denying SSC marriage sends out the message that SSC are 'not capable of the love and commitment associated with marriage. This is incorrect. The government is not interested in who you love, it cares who you marry. Therefore we must put the emotion aside and make the following points about this debate:
 1. It is not about whether or not homosexuals can love each other or be committed.
 2. It is not about whether the love that homosexuals feel is 'less' than that which heterosexuals feel.
 3. It is not about whether or not homosexuals love their children less than heterosexual parents, it is about what IS BEST for those children
- ***It is not about the 'worth' of homosexuals as people, it is about whether SSC can fulfil the criteria of marriage.***

A common feature among those arguing for SSM is that they make the fundamental error of equating the ACT of SSM with the WORTH of an individual. Even if we put aside the idea that all people should have equal worth, to do this is logically incorrect. One's worth does not come from what one **does**, it comes from who one **is**. Many individuals are worthy people but they may well commit unworthy inappropriate acts.

- Looking at it from another angle, someone who attempts to join the army but does not meet their criteria is no less worthy an individual because the military would not accept them. Similarly, whether or not the state recognises that SSC

are capable of fulfilling the criteria of marriage has nothing to do with their worth as individuals.

- ***It is NOT about simply 'being able to marry the one that you love'***. What if the one you love is already married? What if they are your brother or sister? What if they are underage? You do not have and should not have the right to marry them. But, if we allow SSC to marry based on the fact that they love each other, on what principled grounds can we oppose consensual polygamy, incestuous marriage or child marriage? No, the debate is about ***who you should be allowed to marry***, based on the nature and purpose of marriage as an institution.
- ***It is not about civil rights***. Same sex couples already have identical rights to heterosexual defacto couples in all matters to with custody, inheritance, taxation, superannuation etc. Gay is NOT the new black. Indeed many African Americans have taken offence at the gay lobby's hijacking of the US civil rights movement to further their own political agenda. This will be explored in more detail below.
- ***It is not about exceptions but about the rule***. All medications have side effects which are in a sense, exceptions to the desired effect of the drug. Despite this, will a doctor refuse to prescribe a drug that could potentially save a life just because of the side effects? Of course not. If 98% of people DO respond but 2% fail to respond, will we withhold the drug from the 98%? Of course not. Similarly, just because a small percentage of people can smoke cigarettes for a long time and live a long life, does this mean that cigarettes as a rule are not harmful? Of course not. The exceptions do not alter the rule. ***In fact the only reason we recognise the exception as an exception is because the rule exists***.

Therefore, we do not make laws based on exceptions, we make them based on the rule and exceptions still have to follow these laws

- ***It is not about homophobia.*** Sometimes those who oppose same sex marriage are viewed as 'homophobic'. This is simply not correct. Just because I oppose something does not mean I have a deep aversion or fear of it. This is just another 'smokescreen' tactic to divert people's attention to the real issues. There are several points that can be made to support this:
 1. The argument that forbidding SSC from marrying affects them financially is not born out by the data. Recent census data confirms that SSC earn substantially more than OSC.
 2. There are significant penalties for wilful and blatant discrimination or hostility to homosexuals in modern Australian society. 'Gay bashing' is not looked at as something that is heroic or friendly.
 3. The annual gay and lesbian Mardi Gras is the second largest event in NSW in economic terms and approx 200,000 people attended the 2015 event.
 4. A look at history confirms that affirming marriage as being between a man and a woman has never been viewed as homophobic. *'Even in cultures very favourable to homoerotic relationships (as in ancient Greece), something akin to the conjugal (traditional) view has prevailed- and nothing like same-sex marriage was even imagined.'*

▶ WHAT IS MARRIAGE?

- Comprehensive union between two individuals of the opposite gender. The gender complementarity allows for a 'complete' union of body and mind that is both a personal relationship and a social institution
- It is specifically ordered and purposed to bearing and raising children. The state ensures that the children that derive from the union are recognised as emotionally, morally, practically and legally affiliated to both parents.
- A union that is exclusive and life long.
- A useful illustration: marriage is like a tripod, with 3 foundational ideas or 'norms' as its 3 legs. These norms are:
 1. The norm of exclusivity: ie two people and no one else
 2. The norm of opposites ie two people of genders ie male and female
 3. The norm of lifelong; 'til death do us part' It should be obvious that if you knock out one leg, the tripod will have great difficulty standing. It may do so temporarily but the slightest gust of wind and it tips over. Knock out two legs and it cannot stand. This is the situation with SSM.

“ *Marriage is socially approved sexual intercourse between a woman and a man, conceived both as a personal relationship and as an institution, primarily such that any children resulting from the union-and are understood by society to be emotionally, morally, practically, and legally affiliated with both of the parents.. it first entered into recorded history in the two river valleys about 5000 years ago. It is constantly evolving, reflecting the complexity and diversity of human cultures. It also reflects one idea that does not change: for every child, a mother and a father*” Blankenhorn

▶ WHAT IS AN INSTITUTION?

- A social institution is a relatively stable pattern of rules and structures intended to meet basic social needs. It is not a bundle of 'rights' but a bundle of 'obligations'. It is not so much about **what I want to do** regarding a particular issue or need but **what I ought to do** to remain a productive and functional member of society. Societies always build institutions to protect and provide meaning for things that it deems to be vitally important.
- A football game is an **event**, a football season is a **process** but above these you have something else that determines how players and other participants relate to each other and what the game is meant to do. This 'something else' is the collection of rules, values and traditions that is the '**social institution**' of football.
- Similarly, a wedding is an **event**. A husband and wife living together is a **process**. But over and above them we have the laws, customs, values and traditions that determine how the spouses relate to each other and what their process is supposed to achieve. That is the **social institution** of marriage

Using the above analogy, the tripod is the **institution** of marriage. The legs of the tripod are the **norms and values** of the institution.

▶ WHAT MAKES MARRIAGE AN INSTITUTION?

- **Marriage sets down the ground rules for families.** Marriage establishes the obligations of spouses towards each other in a way that contributes to the well-being of society as a whole. It establishes boundaries and ground

rules that ensure that the mothers and fathers actually do stay together and actually do raise their kids. For example, individuals may **believe** that sexual fidelity is important, but the institution of marriage **requires** it. That is why no marriage system anywhere condones marital sexual promiscuity and why adultery is still the leading cause of divorce.

- **These ground rules have remained stable across cultures.** Across all cultures, marriage has remained a set of rules and obligations centred around procreation. It exists to address the following:
 - A. the fundamental human problem that humans are divided into males and females and reproduce sexually.
 - B. the fundamental human need of a mother and a father to successfully raise children.
- **Without these ground rules, no marriages.** If there was no institution, then what would be the point of getting married and having a wedding? Why bother with a public act that has no public meaning? If marriage is only a private relationship then there is no need for any public recognition. *'If we can no longer credibly answer the 'what' or 'why' of marriage, then the thing itself becomes pointless'*

▶ WHAT BENEFITS OR GOODS DOES MARRIAGE BRING TO SOCIETY?

- Marriage regulates male-female sexual relationships and ensures that the children of such relationships are raised by a mother and a father. This ensures that they become productive members of society. Therefore marriage raises the next generation.
- Marriage also ensures that people who bear children are legally recognised by everyone else in society as the parents and guardians of these kids. This provides **goods** that benefit EVERYONE in society.
- Similarly, if these vital functions are not fulfilled, there are significant **costs** that adversely affect EVERYONE in society. The costs to the Australian government resulting from marital breakdown are in excess of \$10 billion per year. Therefore the state is obligated to regulate marriage and to correctly regulate it to produce the optimum good for the optimum number of people.
- A study conducted by a Penn state University professor of sociology highlights to the benefits that marriage brings to society. He applied statistical analysis to hypothetical question: 'If the proportion of US children living with biological parents were as high today as in 1980 and 1970, what would be the likely impact on a variety of social problems affecting adolescent well-being?' In effect he, shows us what would happen to a variety of social problems if we 'turned back the clock' as far as marriage is concerned. The figures speak for themselves

Adolescent behaviours	If % of US kids living with married parents was as high as in 1980	If % of US kids living with married parents was as high as in 1970
School failure	300,000 fewer	643,000 fewer
School suspension	485,000 fewer	1,040,000 fewer
Needing psychotherapy		531,000 fewer
Involved in delinquent behaviour	216,000 fewer	464,000 fewer
Involved in violence	211,000 fewer	453,000 fewer
Cigarette smoking	240,000 fewer	515,000 fewer
considering suicide	83,000 fewer	179,000 fewer
Attempts suicide	29,000 fewer	62,000 fewer

▶ WHAT IS THE PURPOSE OF LAWS THAT GOVERN MARRIAGE?

Marriage provides governments with goods. Specifically, marriage does what government is quite poor at doing: raising children from babies to responsible, productive members of society. When marriages fail, these goods are lost and costs to governments increase substantially. It is only logical that governments would have an interest in protecting those goods.

Laws are concerned with behaviour not desire. The government does not really care how you think so much as what you do. One may think of killing someone, but until he actually does it, he is not breaking the law. With respect to marriage, government is not interested in who you love, but who you marry. It is not interested in how you feel about your children but whether you

responsibly parent them. Indeed, good feelings are no guarantee of good behaviour. Former US president James Madison summed it up: 'If all men were angels, no government would be necessary'

Laws can do one of three things:

1. Prohibit behaviour
2. Permit behaviour
3. Promote behaviour

Whenever a government does one of these 3 things it is in effect making a moral statement about the behaviour. If it permits or promotes it, it is saying the behaviour is morally OK. If it prohibits, it is saying it is not morally OK

The Law is a teacher

When laws are changed, then as children grow up and older people die, then society has less and less people who have any experience with the older laws. The younger ones adopt the 'new morals associated with the new laws. The law has in effect **taught** them new morals. Over time this can lead to profound cultural change but the catch is, it doesn't happen overnight. It usually takes at least a generation, and if the change was not one for the better, then it becomes impossible to undo the damage done.

A good example of this can be seen as follows:

1. Prior to the 1970s de facto relationships (DFR) were frowned upon and certainly no one in high public office would have admitted to such an arrangement.
2. Following No Fault Divorce (NFD) laws, attitudes towards DFR progressively changed such that in 2010, Australia's first female prime minister, Julia Gillard is elected living in a DFR
3. The law is a teacher: changes in laws cause changes in attitudes towards morality

▶ WHAT IS THE 'DEINSTITUTIONALISATION' OF MARRIAGE AND WHAT ARE ITS CONSEQUENCES?

- **'Deinstitutionalisation'** is the term used by scholars to describe the process of amputating the core ideas from an institution one after another until there is nothing of significant value left. It is like removing the legs from the tripod, one by one until it cannot stand. Also, It is like removing the furniture from a room, piece by piece until you have an empty room. It is still a room, but no one knows what it was originally used for. Or it is like turning the lights off in a building one after another until all you have left is a dark and abandoned building.
- **Each core idea is vitally important.** The idea that marriage is between opposite genders (man and woman) has been part of marriage since its inception 5000 years ago. If we suppose that gender no longer matters, then there is no good reason to provide privileges to biological parents because we are saying that a mother and father are NOT NECESSARY for the child's ultimate well-being. If we remove this core idea, then what is to stop removing the other core ideas of exclusivity and life-long commitment?
- It should be noted that many scholars who have been long-time opponents of marriage as an institution are vocal supporters of same-sex 'marriage'. Why is this so? One would think that if they were opponents of traditional marriage, then they should not support SSM. When one looks at their own words, the explanation is clear: they see an opportunity to change marriage from its traditional form into something more to their liking. Simply put, this is deinstitutionalisation.

For this and many other reasons, gay marriage has become a significant contributor to marriage's deinstitutionalisation, by which I mean marriage's steady transformation in both the law and custom from a structured institution with clear public purposes to the state's licensing of private relationships that are privately defined.
(Blankenhorn)

▶ **SAME SEX MARRIAGE IS A FRUIT, NOT A ROOT CAUSE OF THE DECLINE OF MARRIAGE. WHAT HAS CAUSED THE DEINSTITUTIONALISATION OF MARRIAGE?**

- The process that has led to deinstitutionalisation of marriage and ultimately SSM actually has its beginnings more than 150 years ago with the rise of Darwinism and continued through the 20th century with the sexual revolution. We can trace the key steps as follows:
 1. Darwinism removes the idea that men and women are divinely designed and therefore special.
 2. Alfred Kinsey's pseudoscience gives credibility to the idea that satisfying all consensual sexual desires, no matter how deviant some people viewed them, was a good thing.
 3. Hugh Hefner commercialised Kinsey's ideas and published Playboy Magazine. This ushered in the sexual revolution which legitimised sex outside of marriage.
- As a result of this process, the following philosophical ideas emerged and became progressively more entrenched:
 1. Men and women were interchangeable and gender complementarity was not uniquely necessary for families.
 2. Marriage was not necessary for sex and sex was divorced from childbearing. Sex should be enjoyed as its own reward.
- Marriage was more about finding your 'soul mate' and less about raising families.
- These ideas have led to two major redefinitions of marriage:
 1. No Fault Divorce which effectively ended marriage as 'til death do us part'

2. Same sex marriage, which states that men and women, fathers and mothers are not uniquely required for marriage

Thus it should be clear that SSM is a symptom, rather than a cause of marital deinstitutionalisation. If however SSM is allowed, there will be nothing to stop further weakening of marriage.

▶ **WHAT RIGHTS TO SSC CURRENTLY HAVE IN AUSTRALIA**

- It is true that in Australia, the Marriage Act was altered in 2004 to recognise marriage as being between one man and one woman, voluntarily for life. SSC therefore do not currently have the right to marry.
- In 2008, a number of laws were amended to give SSC the same rights as heterosexual de facto relationships across a wide variety of issues. They were all amended to ensure that a same sex person could be recognised as the legal spouse for the purposes of the legislation. These laws included:
 1. Administrative Decisions (Judicial Review) Act
 2. Age Discrimination Act
 3. Bankruptcy Act
 4. Crimes Act
 5. Superannuation Act
 6. Customs Act
 7. Family Law Act
 8. High Court Justices (long leave payments) Act
 9. Sex discrimination Act
 10. Witness Protection Act

11. Defence Forces Acts
12. Education, Employment and Workplace relations legislation.
13. Families, housing, child support Acts
14. Health and Ageing Legislation
15. Immigration and citizenship Acts
16. Taxation Legislation
17. Regional development and Local Government Acts

▶ WHAT ARE THE ARGUMENTS USED TO SUPPORT SAME-SEX 'MARRIAGE'?

Marriage is about love and commitment, not gender and sex.

- As we have seen this is the foundation of most of the arguments in support of SSM. This view makes marriage simply about EMOTION AND FEELING rather than PROCREATION AND CHILDREARING. ***This difference explains why none of the arguments used to support SSM can really be based on objective data or facts: because feelings are totally subjective.***
- If love and feelings are so important, what happens when the 'infatuation' and euphoria inevitably fade and the feelings go? Do we just end the marriage there? No, of course not.
- If marriage is only about love, why shouldn't any 'loving' arrangement qualify as marriage? Why shouldn't consensual incestuous marriages not be allowed? Why not 'group marriage'? Why not committed consensual relationships teens aged 12-16, if it is only about love?

- If marriage is about love, then how is it that a large percentage of the world's marriages are ARRANGED, often without the two even meeting. In the majority of such unions, there is no coercion or forced marriage. What happens is that the participants simply trust that their parents have their best interests at heart and will find a mate that is suitable, that is **complementary**. to them. They then 'learn to love' each other, which means that the love **comes after marriage not before**.

Therefore, while marriage is about commitment, it is not necessarily about love.

Equality and non-discrimination

- **What does equality really mean?** The term marriage equality is actually a misnomer. There is no possible way you can have 'equality' unless you have two choices that are *equal in all facets or respects*. Marriage is a union of two distinct individuals that may be distinct genders which means that several combinations are possible. Each of these combinations can be described by several factors or variables and we have to consider each one of these in determining 'equality'. We can describe a combination or union of two or more units in terms of:
 1. make up or constitution of the combined units ie the **parts** of the union
 2. abilities or outcomes of the combined units ie the **products** of the union
 3. distribution/balance/ of the combined units ie the **proportion** of the union

- **If two combinations are not equal or identical across these areas, they are not equal**, no matter what emotional arguments we might want to bring to the table. Let's do a simple analysis:
 1. MM (**man/man**) and WW (**woman/woman**) are not equal in make up/constitution as MW (**man/woman**). **Not the same parts**
 2. M/M and W/W cannot produce the same outcomes/results as M/W. **Not same products**
 3. M/M and W/W not balanced or distributed the same way as M/W. **Not same proportion**
 4. Therefore, MM and WW are **Not equal to M/W**
- **It is not illegal, unethical nor immoral to distinguish between unequal options.** It is not therefore 'discrimination'. When an employer differentiates between two candidates and selects one because he/she is **better qualified for the job**, they are not discriminating. In the same way, to say that marriage must remain between a man and woman because that arrangement is **better qualified for the 'job'** of making a viable marriage, it is not discrimination either.
- In reality, the discrimination argument is just a 'smoke screen' to divert attention from the obvious: that they are not equal. Even a 5 year old child can see that. To pretend otherwise is to be like the people in the fairy tale about the 'Emperor's New Clothes' who all pretended that the emperor actually had clothes on because they were scared of upsetting him. They continued with the pretence until a child pointed out that he actually had no clothes on. It's the same with trying to pretend that in some bizarre fashion, that a male/male or female/female pairing is the same as a male/female couple.

SSM will provide benefits to SSC. It will 'civilise' SSC

- Much research shows that marriage provides benefits to the heterosexual married couple (HMC). What is less well appreciated is that these benefits occur **because of** gender complementarity, **not in spite of it**. SSC are fundamentally different to HMC as can be seen by promiscuity rates, rates of depression, violence etc. They use terms such as 'monogamish' rather than monogamous. US gay advocate of SSM Evan Wolfson distinguishes between 'monogamy'(living with one person) and 'exclusivity' (only having sex with one person) To assume that SSC will receive any of these same benefits is not a valid assumption.
- Allowing SSM will change the purpose, foundations and norms of marriage into something completely different. Thus providing marriage to SSC in the name of providing them with benefits will change marriage into something else which may well remove these benefits, not just from SSC but from everybody else.
- SSC already have all of the spousal and financial rights that de facto OSC have so why do they need marriage? They can also already register a civil union. If marriage is purely about living with their 'significant other' and emotional fulfilment, then why do they need the state's approval for their relationship?
- While laws may recognise marriages, they do not create them. No amount of legislation can make a MM/WW pairing the same as a MW couple.

SSM will provide benefits to the rest of society

- ***SSM cannot do this because it doesn't follow marriage's norms.*** The reason marriage provides benefits to society is because its norms and features are optimally designed to meet society's greatest need: turning babies into responsible adults. These norms are:
 1. The norm of opposites. male and female
 2. The norm of two. For every child, ONE mother and ONE father
 3. The norm of permanent exclusivity. 'to love each other as long as you both live'
- ***The purpose of marriage law is to preserve these norms*** and provide the best environment for strong marriages to develop. These laws only work if people understand WHY the law is required in the first place. If one of the norms is changed, then it becomes more difficult to understand why the others should be retained.
- ***Once the norm of opposites is removed***, then there becomes less reason to hold on to the norm of two and the norm of exclusivity. This would have consequences not just for SSC but for everybody. Therefore the argument that SSM will benefit society is simply false

There is no evidence that SSM will harm marriage , families and children

- The evidence presented below shows clearly that in societies that have legalised SSM, marriage has not gotten stronger. The opposite has occurred and marital decline has accelerated.

- SSM will erode the benefits and goods that the state gains at present from natural marriage. Specifically it will increase the incidence of fatherless children. Decades of social science research tells us that the end result of taking father out of families is more female teenagers as mothers and more male teenagers as delinquents . The costs to society should be obvious.
- We are now just seeing the first testimonies of children raised by SSC speaking for themselves. Many tell of how, even though their homosexual parents loved them, the upbringing they had caused them major long term trauma and problems. We also now have evidence about the outcomes of kids born from sperm donation and again, many lament the fact that they have no father.
- SSM will only accelerate these trends therefore the argument that there is no evidence that it will not harm marriage, families and children is false.

Marriage is not primarily about marriage, sex and children so gender is irrelevant

- This is perhaps the fundamental difference between those promoting SSM and those opposing it-they have differing views of the purpose of marriage. Therefore, the question that must be answered is not whose view is the more emotionally appealing, but which view is right? As noted above, they are mutually exclusive one cannot affirm them both at the same time.
- As we have seen, marriage has always been, across human history and across cultures about socially ordered pair-bonding, procreation and the raising of children. We have seen that the only reason the state gets involved in marriages in the first place is because it relieves the state of the burden of raising kids.

- Simple common sense
 1. societies need babies to continue existing
 2. sex makes babies
 3. babies need a mum and a dad ie **two parents of different genders** to be raised into responsible adults

Therefore to state that gender is irrelevant to marriage is simply false.

SSM will not affect legal and natural parent hood

- You cannot change marriage without affecting parenthood. If SSM is legalised then there will be no legal nor principled reason to deny SSC the right to raise children. By their very nature, however, *SSC cannot reproduce themselves* therefore they must access either adoption or 'assisted reproductive technologies' (ART). These include surrogacy and IVF and because SSM is legal, there would be no good reason to deny SSC access to these.
- Over the following years and decades, a whole generation of children will be born and then raised without either a mother or a father **by design**. This is completely different to the unfortunate situation that occurs when married couples divorce. They did not decide to get divorced before they got married and had kids. Simple common sense tells us that this will have consequences for these children. We may well witness the next 'stolen generation'.
- It is likely that both members of a SSC will view themselves as parents and will want to be legally recognised as parents. This will however mean that one of the natural parents will NOT be recognised. Therefore it WILL affect natural parenthood. It will also mean that the child will have at least one parent with whom it has no biological basis, yet this person will be their legal parent. Therefore it WILL AFFECT legal parenthood.

Children raised by SSC do just as well as those raised by OSC

- 4 decades of social science research tell us the same fundamental message: the best environment for raising children is with still married biological mother and father. These studies are:
 1. large scale with many thousands of participants
 2. longitudinal, following kids over years and sometimes decades
 3. high quality using the right statistical methods
 4. comparative both with other family types and control groups
 5. repeatable with multiple researchers getting similar results
 6. population based using large random samples, not special interest groups

- In contrast, all of the 'research' that supposedly shows that there is 'no difference' between kids raised by SSC vs married biological parents is fundamentally flawed:
 - small scale
 - not long-term
 - poor quality, using inappropriate statistical analysis
 - do not have adequate control groups
 - have not been repeated by multiple other researchers
 - not population based and *non random* samples taken from gay magazines, websites etc

- There are now at least 4 large scale, random-sample, population-based, quality statistical studies comparing children raised by SSC with married biological parents. They have done by different researchers, published in respected medical and social science journals and are all saying the same thing: that kids raised by SSC DO NOT DO AS WELL as kids raised by married biological parents across a range of outcomes from health, to income, to education etc.

Other countries have legalised SSM, so why not Australia?

- It is neither rational nor appropriate to change laws here simply because other countries have done so, especially when it involves something so fundamentally important as marriage. Laws should be changed only because extensive evidence and simple common sense shows that they will provide goods and benefits for Australian society as a whole that existing laws cannot.
- A good example is the fact that Australia averted the worst of the recent Global Financial Crisis precisely BECAUSE our banking and mortgaging systems operate differently to those in the US and other countries. If we can make a distinction between financial practices based on what produces better outcomes, then we can make distinctions between marital practices based on better outcomes.
- The law of the land declares what the state recognises that marriage **should be**, not what individuals would like marriage to be. There are those that come from countries whose laws allow child marriages and marriages between close relatives, and the laws of those lands support those practices. Should the law of THIS LAND therefore support those practices? The vast majority of people would say 'no', and indeed our laws already prohibit marital practices that other countries allow.

- Also, in many countries, marriages are arranged. Does that mean that Australian law should actively promote arranged marriages? Again, the answer is no.

Therefore if SSC cannot definitively show that they provide the state with goods equal to or better than traditional marriage, they should not be recognised as marriages, irrespective of what other countries do.

Because of Growing Community support for SSM

- Just because 'opinion polls' show support for something does not necessarily indicate that the majority of Australians support it. Poll results are heavily dependent on who is polled, what questions are asked and how they are framed. The only real way to determine the true level of community support is via a nationwide poll, that is a referendum or a plebiscite, where every adult registered to vote must vote.
- If Australians were asked whether or not they should pay less tax, chances are that a majority would support this. But is this a legitimate reason to lower taxes, just because people want it? No, legitimate tax reform is based on what is best for society as a whole, not what individuals want. Similarly, any 'reform' involving marriage should be done only if it can be conclusively shown to be best for society as a whole.
- The current debate on SSM is very heavy on emotion and rhetoric and very light on evidence and logic. The majority of Australians are very uniformed about this topic and the public discussion has been dominated by the desires of a minority of adults, while the rights of children have been completely ignored.

Because Civil Unions do not provide full recognition

- **Respect?** Proponents of SSM argue that civil unions do not provide SSC with the 'respect' and 'acknowledgement' that comes with marriage. This, however, is *not the purpose of marriage*. Marriage exists to provide order and structure to child bearing and child rearing, not to legitimise relationships. If indeed, 'love is all you need', then what does it matter if the state recognises your relationship or not?
- **Ignorance?** Some will argue that SSC are not aware of the rights to civil unions and do not take them up as a result. It is not the responsibility of the state to make people aware of its laws, it is up to the state to make and enforce laws. Individuals must do their own 'due diligence' regarding the content of these laws. Ignorance on the part of a section of society regarding laws and rights is also not a valid reason to change the laws for the rest of society. One cannot therefore use ignorance as a defence or support for SSM
- **Qualifications?** It is important to determine whether or not de facto relationships (DFR) and SSC can even **qualify** as marriages. One who does not qualify for an academic degree gains none of the privileges and rights of this degree. DFR are not recognised as legal marriages because they have not met all of the conditions necessary for marriage and therefore *do not qualify as marriages*. Therefore, they do not enjoy exactly the same privileges as marriages. In the same way SSC cannot be regarded as marriages *because they do not qualify as marriages*
- **Inequality?** Equality demands however that relationships that are equal receive equal rights. SSC fulfil *some but not all* of marriage's conditions and therefore should receive EQUAL rights to other unions that fulfil *some but not all* of marriage's conditions. Australian law ALREADY provides SSC with all the benefits available to heterosexual de facto relationships.

Therefore, no true inequality exists

▶ WHAT IS THE CAUSE OF HOMOSEXUALITY? ARE PEOPLE 'BORN GAY'?

- **There is no gay gene.** A common argument is that one is 'born gay' or that homosexuality is genetically determined and cannot be changed. This is not correct as follows:
 1. Despite extensive studies, no genetic cause for homosexuality has been found.
 2. Remember that homosexual relationships, by definition, cannot procreate by natural means and assisted reproductive technology use by homosexuals is a recent phenomenon.
 3. A 'gay gene' would therefore convey ***no long term survival advantage*** and therefore would not be propagated. A 'gay gene' would therefore be comparable to other genetic defects that convey no survival advantage, often cause sterility and soon reach a dead end in a family line as those that carry it cannot reproduce any further.
- **There is no evidence that being gay is exclusively biological.** Much has been made in some publications of alleged changes in brain structure of homosexuals vs heterosexuals.
 1. The studies that suggested this were of poor methodology, and the results have not been replicated.
 2. Current neuroscience confirms that the brain actually changes itself in response to behaviours and external stimuli. Habitual pornography use actually causes structural alterations in the brain.
 3. Therefore, even if homosexuals exhibit structural brain differences, it is just as likely that they are the RESULT of the homosexual activity and lifestyle rather than the CAUSE of it.

- **There is a strong environmental component.**
 1. Current medical research confirms that homosexuality among identical twins is far less than 50% and those raised apart have lower rates of homosexuality than those raised together. This suggests a strong environmental component.
 2. Similarly, there are 1000s of testimonies of people who have achieved *long term change* in their sexual orientation. A quality study of therapy to assist sexual orientation change found that 20% of people become heterosexual with a further 20% achieving long term celibacy.
 3. If therefore there is strong developmental component then there is a changeable component
- **Nobody was born a heterosexual or homosexual—we were born males or females.** Even people with ambiguous genitalia or 'intersex' still have either XX or XY chromosomes. When we use terms like “gay” or “straight,” we make it seem like people are in one class or the other. But such language is misleading. For convenience, we use those terms when it would be more accurate to say “people who engage in heterosexual acts” or “people who engage in homosexual acts.” We cannot confuse **biology** (how we are born) with **behaviour** (what we do). In other words, we are males and females by **biology**, and heterosexuals or homosexuals by **behaviour**.

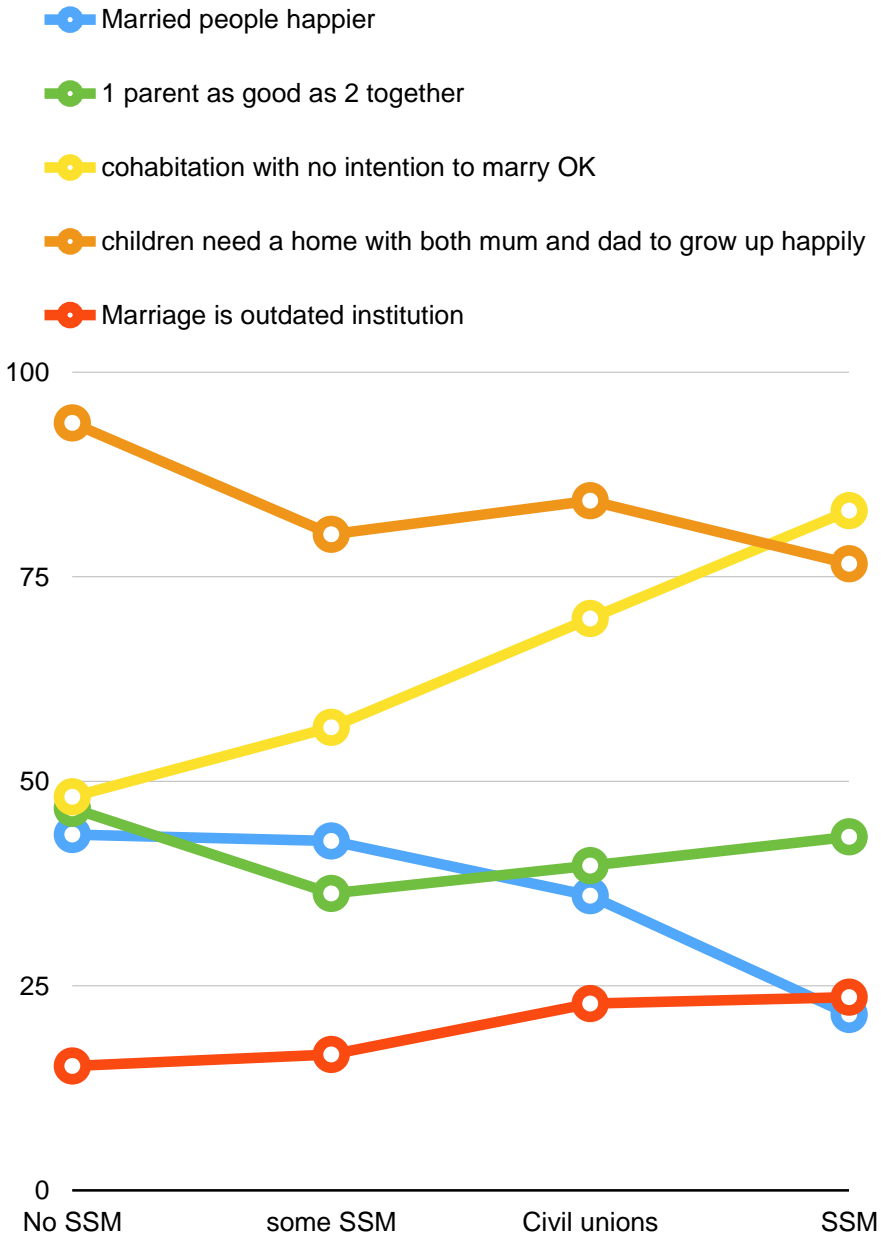
Conclusion:

There is no exclusive biological cause for homosexuality. Even if there is a genetic predisposition, there is an equally strong social and environmental component. Long term change IS possible. No one is born gay

▶ **WHAT REALLY HAPPENS TO MARRIAGE IN SOCIETIES THAT HAVE LEGALISED SSM?**

- To answer this question, we need to look at quality data from relevant countries, but also to look at how they compare to other countries that have not legalised SSM. World Values Survey looks at a range of issues from 80 countries and International Social Survey Program
- Countries supporting SSM more often support other ideas that undermine marriage:
 1. people do not need to marry to have kids
 2. that one parent can be as good as two
 3. that cohabitation is OK.
 4. That marriage is an outdate institution. Note that people in countries that support SSM were 55% more likely to believe this than in countries that do not support SSM
- This information is presented in the following table and accompanying graph

	Countries with SSM %	Countries with civil unions %	Countries where some regions have SSM %	Countries without SSM %
Married people are happier	21.5	36	42.7	43.5
People who want kids should marry	37.8	51.2	65.6	60.3
1 parent is as good as 2 together	43.2	39.7	36.3	46.7
Cohabiting with no intention to marry is OK	83.1	69.9	56.6	48.1
Divorce is best solution to marital problems	68.4	67.6	48.1	60.6
Child need a home with both a mother and father to grow up happily	76.6	84.3	80.2	93.8
OK for a woman to want child but not a stable relationship with man	48.3	40.7	39.5	28.5
Marriage is an outdated institution	23.6	22.8	16.6	15.2



- If we really want to look at the impact of SSM, let's look at the country that has had it the longest, The Netherlands. When we do, we see the following:
 1. SSM has not been popular and numbers have actually dropped.
 2. Rather than increase, rates of marriage have dropped 20%
 3. Babies born to unwed mothers increased 76%

Measure	2001	2010
Number of same sex marriages	2500	1355 (drop of 45%)
number of same sex divorces		1078 in 10 years
Total marriages	88,000	70,000 (drop of 20% to lowest level since WW2)
Babies born to unwed mothers	24.9% (2000 figure)	43.9% (increase of 76%)

- The fact that these phenomena go together does not necessarily mean that one **causes** the other. It does however show that they are **correlated** with one another as a **syndrome**. Doctors do not necessarily even need to be able to explain the exact mechanism of a syndrome ie HOW it works to know that it indeed DOES WORK. We all know that teenagers who smoke are more likely to drink alcohol and engage in other risky behaviours. While one has been able to show exactly which behaviour causes what, but we do know they **go together** as a syndrome. For this reason responsible parents warn their teenagers away from the entire syndrome.

- Irrespective of any of the emotional arguments the pro SSM lobby may pitch alleging that SSM will benefit marriage, the facts indeed show the opposite. The data clearly shows us that SSM is part of a larger **syndrome** of deinstitutionalisation of marriage. It is removing one more leg of the the tripod. Therefore, if a society allows SSM, there is a much higher incidence of further breakdown of marriage, because more of marriage's fundamental norms and ideas are abandoned.

▶ **WHAT'S THE HARM IF 2% OF THE POPULATION HAVE THE RIGHT TO MARRY?**

- It is commonly argued that allowing SSM will be a small change in the law that will benefit a small group of oppressed people and pose no threat to the rest of us. Before we address this, there are 3 preliminary premises:
 - a. The law shapes beliefs
 - b. Beliefs then shape behaviour
 - c. Beliefs and Behaviour affect human well-being.

Therefore, any change in the BELIEFS about marriage will change BEHAVIOURS and affect the outcome of marriage which will affect the well-being of those involved: parents and children. A change for the 2% will indeed affect the other 98%

- We have already looked at how NFD laws altered behaviours so that a relationship that was frowned upon when they were brought in became so acceptable 4 decades later that the PM was in one. At the time NFD laws were brought in, those that wanted divorces may well have been in the minority. Similarly, those supporting NFD were saying that there would be no harm done. History has shown us that a great deal of harm was done but the damage was not obvious right away. It took a generation. How do we know that the same thing won't happen with SSM?

- In countries where SSM has been legalised there have been the following negative effects:
 1. Children have been indoctrinated from the kindergarten level to accept homosexuality and SSM because 'give me a break, it's legal now'
 2. Progressive push to accept the concept that gender is fluid with boys using girls bathrooms
 3. People who object to SSM on moral, philosophical or religious grounds being prosecuted, fined and even imprisoned.
 4. Push to legitimise other sexual practices eg polyamory, incest saying words to the effect of 'you've let the gays marry because they're in love and we're in love, what about us?'

How do we know the same thing won't happen here if we legalise SSM?

- Therefore, any alteration to marriage norms will not just affect SSC, it will affect EVERYBODY ELSE. So a change for the 2% will affect the 98% over a period of time. By the time this is obvious however, it will be too late.

▶ WHAT ARE THE LIKELY CONSEQUENCES OF LEGALISING SSM IN AUSTRALIA?

- **Effects on Children.** If SSM is legalised then there would be no moral reason to deny SSC surrogacy so that they can have children. This commercialised surrogacy will only lead to more children will be raised without a mother and father. In addition, there will be no good reason not to fully educate children about SSM, homosexuality and even to promote it as a healthy alternative lifestyle. If this begins early enough it will effectively mean indoctrination. This indeed has been the experience in overseas nations that have legalised SSM where children as young as 4 years old are taught to accept homosexuality and SSM.
- **Effects on marriage.** As we have seen, SSM has not strengthened the institution of marriage overseas. Indeed, the opposite has occurred, due to the fact that SSM is part of a syndrome of several processes that erode and destroy marriage. In addition there has been a substantial increase in pressure to legalise other non-traditional unions eg polygamy/polyamory and consensual incestuous marriages. The same arguments can be used for 'child marriage'.
- **Effects on Freedom.** It will become progressively more difficult for anyone who opposes SSM or homosexuality on moral or religious grounds to have the right of free speech. We have already seen many cases in the UK and US where individuals who have simply respectfully disagreed with SSM have been fired, fined or even incarcerated for 'hate speech'

WHO?

▶ WHOSE RIGHTS ARE REALLY AFFECTED?

- When examining human rights, the logical place to go is the UN universal declaration of human rights. Article 16 states:

'men and women of age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state'

Article 7 states the following:

'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'

- The right of marriage is a 'compound right'. That is, it involves more than just the right to live with a single person. It involves the right to have a family. This means the right to raise children. Therefore it is simply incorrect to argue that anything that affects the rights of adults to marry does not affect the lives of children.
- Same sex couples, by definition cannot naturally reproduce. Therefore the only way they can have a family is via adoption or assisted reproductive technologies eg surrogacy and IVF. If SSC can legally marry, there can be no moral or legitimate reason why they should not be able to access these technologies. Commercialisation of surrogacy is the next logical step. The end result will be class of children being born without being raised by their biological parents, **by design**.

▶ WHOSE RIGHTS COME INTO CONFLICT?

- Therefore there are two rights that are at play in the debate about same sex marriage
 1. the right of adults to marry the person they choose and form the family they choose
 2. the right of every child to be known and be cared for their biological parents.

The real reason we have such a spirited debate is that these 'rights' as individual rights are not necessarily bad things. It is not evil for SSC to want to live together and form a family. It is also not evil for all children to be given the maximum chance to be known and cared for by their biological parents. The problem is that they **both cannot mutually coexist**. You can either give SSC the right to form the families they choose, or you can ensure that all children have the maximum chance of being raised by their biological parents. But you cannot have both.

- As society cannot satisfy both of these rights at the same time and one must give, we must look at the consequences of upholding one right over the other.
 1. If the rights of the child are upheld, then a minority of people will not be able to 'create' families with children. They will still have the right to live in committed relationships and there is no loss of economic or legal rights.
 2. If the rights of SSC adults are upheld, then a growing number of children will grow up fatherless or motherless. We have decades of social science research that tells us of the consequences of this and none of it is favourable.

- **LGBT rights.** Finally, let us not forget the B in LGBT (Lesbian/Gay/**Bisexual**/Transgender) . If SSC have the 'right' to marry because their sexual orientation is fixed and immutable, then what about the bisexual? Don't they have the same right to marry the 'person' that they love? The problem is, they need to marry **persons** not a person. So, automatically, recognising the 'right' of SSM must recognise the right to 'group marriage'.

▶ WHOSE RIGHTS MUST BE PRESERVED?

- Whenever hard choices are made, we must first seek to protect the interests of those who cannot speak for themselves and protect themselves. While we feel no ill will to adults in SSC, they can protect themselves and make choices for themselves. Children cannot.
- We also need to look at the principle of the greatest good for the greatest number. The percentage of homosexuals is small (approx 2%) and the percentage of these that would marry is smaller still, with the percentage who would choose to marry and have kids smaller still. Changing marriage doesn't just change it for that 2%, it changes it for everybody. Even if the children that come from SSM begin as a small number, over the coming decades, it will grow. Given that research is conclusive in showing that these kids have more mental, education and social problems, what will they be like as adults? What will be the effect on their kids?
- We must also remember that before we talk about redefining an institution, we need to consider the purpose of that institution. It makes more sense to have an institution do what it was built to do rather than what it was never meant to do. Marriage was never intended to validate people's relationships, to validate sexual orientation, to reduce homophobia, or to maximise adult choices in 'family diversity'. While these things are worthy in and of themselves, **marriage was never designed to address them.**

No, the purpose of marriage is to cause the adults who bore the child to share equally in the raising the child.

When these rights are weighed up, the only choice that is consistent with morality, ethics, and simple common sense is to preserve the rights of those who cannot choose for themselves, the children.

WHY

▶ WHY THE TERM 'MARRIAGE EQUALITY' IS INCORRECT.

- As we have noted above, you can only use the term 'equality' when you have more than one choice that is 'equal'. It is neither consistent with logic nor common sense to use 'Equality' to describe things that are fundamentally *unequal*
- Determining whether or not things are 'equal' must be based on ALL of the variables and factors involved if one is to appropriately assess the two choices. This is especially the case when one is considering whether different combinations of different parts are equal. One cannot grade equality on SOME of the factors, just as one cannot grade an examination on SOME of the answers.
- While no one disputes that SSC can be capable of equal love and commitment, marriage is not just about this; it is about creating the optimal environment to raise the next generation and this is the only reason the state gets involved. When all of the variables are considered, it should be clear that SSC are **not equal** to traditional married heterosexual couples.
- As we have seen, SSC **already** have the same rights as other unions that fulfil **some but not all** of marriage's conditions ie heterosexual defacto relationships (DFR). These equal relationships are treated equally so *there is no true inequality*

Therefore, the traditional model of one man and one woman is the ONLY VIABLE option to fulfil the criteria of marriage. Whilst one may use the term 'relationship equality' to compare SSC to DFR, there is no such thing as 'marriage equality'.

▶ WHY IS GENDER CENTRAL TO MARRIAGE?

- Remember that marriage is a socially institution that was constructed to solve a fundamental problem with the human species: human babies need a decade of care and protection before they can fend for themselves to any great degree. This care and protection is best given by BOTH of the parents involved in the child's conception.
- Another way of putting it is what I call 'Human Societies 101':
 1. Any society that is to survive needs babies to grow into contributing adults.
 2. Sex between a man and a woman makes babies.
 3. The best environment to raise a child into a responsible adult is with its biological mother and father who are married. Obviously, neither the procreation part nor the optimal upbringing parts or marriage are possible without two parents of opposite gender. Therefore logic and simple common sense tells us that gender is central to marriage.
- If gender is not a central component, then what is so special about the number 2? Basic biology tells that there are 2 sexes and that EVERY PERSON is derived from an egg and a sperm. So, if it is not because there are two sexes, why is marriage between two people? We have already seen that if we recognise the right of SSC to marry based on 'orientation' we must recognise the rights of bisexuals to marry based on their orientation, which necessarily requires a group marriage.

▶ WHY SSM CANNOT PROVIDE SOCIETY WITH THE SAME GOODS AS TRADITIONAL MARRIAGE

- A structure is strengthened when its foundations are fortified or reinforced. Anything that undermines or weakens any one of its foundations therefore weakens the structure as a whole. The reason that No Fault Divorce has been so destructive is that it weakened the foundational norm of marriage's permanence. SSM undermines the foundational marital norm of gender complementarity. Therefore, like NFD, SSM does not strengthen marriage
- If one of the foundations of marriage, that it is between a man and woman who are potentially mother and father is tossed aside, why should the other foundations not be altered to suit peoples preferences? We see this in the rise of terms such as 'monogamish' (living with one person but having sex with others), 'throuple' (three person unions) and 'wed lease' (temporary contracts of cohabitation that have an option to be renewed).
- We have already seen that SSM simply cannot, by definition provide children with the outcomes that married biological parents can. Therefore SSM cannot provide the state with the same goods as traditionally married biological parents. Thus, besides its failure to provide equivalent goods, SSM it represents the next phase in the progressive weakening of marriage that began 3 decades ago with NFD. Just as NFD has resulted in substantial costs to society rather than benefits, it is equally likely that SSM will result in costs to society rather than benefits.

Therefore, because SSM cannot provide the state with the same benefits as marriage, and because SSC cannot qualify as marriages, Same sex 'marriage' cannot be regarded as marriage,

▶ WHY WILL CHILDREN SUFFER IF SSM LEGALISED?

- SSM cannot occur unless marriage as an institution is fundamentally changed. You can have deinstitutionalisation without having SSM, but you cannot have SSM without having deinstitutionalisation. Marriage will therefore change from its original pro-child purpose into something entirely different that may not put the interests of children first.
- SSM requires law and culture to deny that a child requires two biological parents. One can believe in SSM . One can believe that every child deserves a mother and a father. One cannot believe both.
- As already noted, 4 decades of research tells us that children do best when raised by their married biological mother AND father. As we have also seen, SSM will fundamentally alter this for an increasing number of children **by design**. Therefore an increasing number of children will suffer adverse consequences and a poorer quality of life as adults **by design**

▶ WHY THE ARGUMENT THAT TWO LOVING GAY PARENTS IS BETTER THAN NO PARENTS AT ALL IS NOT A JUSTIFICATION TO CHANGE MARRIAGE LAW TO ALLOW SSM

Any comparison must be a valid comparison

Just as one does not compare 'apples with oranges', one must not compare different types of arrangements and imply that they are the same. If you are going to call arrangement A equal or better than arrangement B, you do not take the best example of A and compare it with the worst example of B. A committed monogamous SSC is a 'good' example of same-sex parenting and an abusive, step family or no family is a 'bad' example of opposite sex parenting. If we are to properly compare them, we must take the best example of opposite sex parenting (married biological parents) and compare them with the best example of same sex parenting (committed monogamous SSC)

For comparisons to be valid, they must be made under the same set of circumstances.

Thus, we do not base laws on the exceptional circumstances, but on ordinary everyday circumstances that apply for the majority of people. For example, consider the example of a group of people lost in the wilderness, one of whom develops appendicitis. In the group is an operating theatre nurse, who has assisted at many operations. Obviously, the nurse would be the best qualified to attempt the emergency appendicectomy and the nurse may very well save the patient's life. Does this therefore mean that we change all or our hospital procedures to allow theatre nurses to do major surgery? Obviously not. The nurse in the wilderness did what they did because they were the best qualified under exceptional circumstances. Under ordinary circumstances, a surgeon is much better qualified and this is why surgeons do the surgery, not the nurses.

Using bad examples of opposite sex parenting does not support Same Sex Marriage

As already discussed all of the high quality social science evidence on parenting from the last 4 decades tells us three things:

- a. The best arrangement to raise children is married biological parents (MBP)
- b. Studies that apparently show that children raised by SSC do as well as children from MBP are statistically weak and of poor quality.
- c. All of the high quality, statistically strong studies on children raised by SSC that we have confirm that the kids DO NOT DO AS WELL as those raised by MBP

Therefore, even though having a child raised by a loving SSC over an orphanage or an abusive arrangement may benefit that child, it is an example of an exceptional circumstance and is not a valid comparison to a child raised by loving MBP. It is therefore not a reason to alter marriage law to allow SSM.

WHY RECOGNISING INFERTILE COUPLES AS MARRIED IS NOT A VALID ARGUMENT FOR RECOGNISING SSM

- ***Identity is determined by values/norms, not by results.***
Whether or not we recognise something as participating in a social institution is determined by how much that 'something' complies with the norms, values and rules of that institution, not on the results of that 'something'. The following analogies illustrate this point well
1. A football team that goes the whole season but never wins a game does not stop being a team, as long as they wear the uniform, turn up to play and actually play the game. A group of people who turn up just to run laps

around the field are not a team, no matter how well they are dressed.

2. A car collector may buy cars and never drive them, but the state does not take away their driver's license, or prevent them from ever getting one, just because they don't drive.
 3. A member of an art museum may pay a yearly membership and never once view the art, yet the museum will not prohibit them from renewing their membership
- Similarly, any couple that can live according to the norms of marriage and perform the act that has the potential to create the most important outcome of marriages, children, is still regarded as a marriage, even if children do not result. This is why sex between a husband and wife is called the **marital act** and why marriage is not legally recognised as being consummated until this act actually does occur. For the same reason, let's look at the following scenarios and ask if we would still regard them as married:
 1. Is the couple that has 6 kids and now uses contraception to avoid having any more no longer regarded as married because they will have no more children?
 2. Does the recently married couple cease to be married because they are unable to have children?
 3. Does the couple in their 60s cease to be regarded as married because they can no longer have children?
 - The answer to all of these questions is 'of course not', they are marriages because they still qualify as marriages despite not having any children.

- *Remember that laws are based on the **rule** not the **exception**.* It is a sad fact that some married couples will not have children, but they are the exception and we still regard them as marriages, as long as they live according to the rest of marriage's norms. This, however, gives no support whatsoever to promoting SSM

Therefore recognising infertile couples as marriages is not a valid argument for supporting SSM.

▶ **WHY INTERRACIAL COUPLES ARE NOT A VALID ANALOGY FOR SAME SEX COUPLES. WHY GAY IS NOT THE NEW BLACK**

- ***There is a fundamental difference between interracial couples and SSC.*** Let's look at it from simple logic. Remember that equality can be described by makeup, capabilities and distribution/balance. Let's compare them as follows:
 1. BMb(black man)/WW(white woman) has essentially same make up as BM/BW(black woman). SSC are not
 2. BM/WW can produce the same results as BM/BW. SSC cannot
 3. BM/WW are proportioned and balanced basically the same as BM/BW. SSC are not.
 4. Race is not changeable. BM remains BM no matter what he thinks or feels but there are thousands of 'ex gays', people who have left the HS lifestyle long term.

Therefore BM/WW are **equal** to BM/BW. SSC are **not equal** to couple of same race.

- *The whole reason why Interracial couples(IRC) were banned was **because they could** form comprehensive marital unions and procreate.* Regimes that wanted to maintain white supremacy recognised this and the fact that the 'mixed blood' children of IRC would 'dilute' their supremacy, which was the reason they banned them in the first place. Therefore IRC is just a different degree of the **same kind of relationship**. SSC are an **entirely different kind** of relationship. As we have already seen, it is not discrimination to regard unequal things unequally.
- **Those promoting SSM are actually acting like those preventing IR marriages.** Rather than gay being the new black, the truth is that those who were trying to promote white supremacy by those banning IRC actually have more in common with those **promoting SSM** rather than those who oppose it. Why?
 1. Both groups seek to use marriage to promote a purpose for which marriage was never intended: racial supremacy on the one hand and validating homosexual love on the other
 2. Both groups actually end up turning an institution that is supposed to bring men and women together into something that often keeps them apart
 3. Both groups end up affecting the most important end results of marriages, the children

Therefore there is **no true analogy** between the civil rights movements of the past and today's campaign for SSM.

'There is no true analogy between yesterday's racists and today's defenders of marriage's customary norms. The only accurate analogy is between the advocates of anti-miscegenation laws (laws banning interracial marriage) and the advocates of same-sex marriage, since each group wants to recreate marriage in the name of a social goal that is fundamentally unconnected to marriage' (Blankenhorn)

▶ WHY SHOULD THE STATE CARE ANYWAY?

- The state only gets involved in areas that meet its needs or provide goods that it relies on. It gets involved to **regulate** these goods/needs to **ensure** that it keeps receiving these goods.
- Societies rely on families built on strong marriages to produce what the state needs but cannot produce itself: healthy, upright citizens who become conscientious citizens. That is why the state is involved in marriage.
- If marriage is just about 'emotional union' at its core, rather than a union for producing and raising children, then it becomes much harder to show why the state should regulate marriage over any other deep friendship. '*Why involve the state in what amounts to the legal regulation of tenderness?*' (GGA)

▶ WHY CHANGING MARRIAGE LAWS WILL HAVE SUBSTANTIAL CONSEQUENCES FOR US ALL

The Law is a teacher. We have already seen that by default, the law teaches people that certain behaviours are morally right and certain ones are morally unacceptable. Any major change in law therefore leads to changes in the morality of a society over time. A good example is the fact that in the early 1800s a significant percentage of Americans thought that owning slaves was acceptable as long as they were treated well. A civil war, law changes and 150 years later, hardly any American views slavery as being acceptable. The law and time has taught them new morals.

Changing laws has already undermined the institution of marriage. We have seen this in Australia with NFD laws. They were brought in supposedly to end bad marriages and so make

the institution overall better. As we have seen, the did nothing of the sort. At the time of the introduction of these laws, and having children out of wedlock and de facto relationships were not considered desirable by the majority and indeed were frowned upon. Fast forward 30 or so years and have the first female Prime Minister, Julia Gillard living in just such a relationship. What happened to cause this cultural shift? New laws brought new morality. No one recommending changing the law in the early 1970s was predicting such massive social change 30 year later.

Further changing the law will only lead to further weakening of marriage values. As we have seen, SSM is just the next step in the deinstitutionalisation of marriage. Just as kicking out the first leg via NFD laws led to major changes in morality, marriage and society as a whole, what makes us think that kicking out the second leg will not do just the same thing. Given that marriage is already less stable and less healthy, the outcomes could even be worse than those from NFD laws but we may have to wait a number of years before that is apparent. It will be too late to do anything about it by then.

▶ **WHY SSM IS ACTUALLY A 'SLIPPERY SLOPE' TO FURTHER REDEFINITION OF MARRIAGE AND WHY WE SHOULD AVOID IT.**

- This is referred to as the 'slippery slope' argument by those opposing SSM. They state that SSM is a 'slippery slope' that leads to other unions such as group marriage, child marriage, incestuous marriage etc. Those in favour of SSM typically say that this is scare-mongering and irrational.
- As we have seen however, if we are willing to redefine marriage based on 'sexual orientation' so that one group of individuals (SSC) can have their 'orientation' catered for by marriage, then other groups should have their 'orientations' (bisexual, polyamorous, incest, etc) catered for. There is

therefore no sound philosophical basis to forbid polyamory, incestuous marriages, and other arrangements, if one allows SSM based on 'orientation'.

- Rather than a slippery slope or Pandora's box, I would prefer the analogy of taking a trail through a forest. Marriage is like the trail that is well-worn, has been used by countless individuals over thousands of years. Everyone knows where it leads, what is at the end and that it is safe. SSM is like taking the rabbit trail off into the woods. No one knows where it will lead, what is at the end and whether or not it is safe. If the well-worn road is damaged or has been dug up, we would be better off fixing the road rather than using a road leading who knows where. In the same way, the damage done to marriage by adultery and no fault divorce is an argument for **fixing marriage**, not redefining it to allow SSM.

▶ WHY SSM CAN BE REGARDED AS THE BIGGEST SOCIAL EXPERIMENT OF OUR GENERATION.

- An 'experiment' is defined as *'a test, trial, or tentative procedure; an act or operation for the purpose of discovering something unknown or of testing a principle, supposition'*.
- As we have seen when considering the marriage across history and across cultures, it has always fundamentally been about socially ordered sexual intercourse and making sure that the adults who produce a child remain together to raise it. Marriage is a social institution and anything that changes it is a social experiment. All the best evidence to date tells us that traditional marriages are the best vehicles for raising kids and the foundation of a stable, growing society. The idea that SSM can replicate the benefits of traditional marriage is not consistent with the evidence or even simple common sense.

- Nothing remotely like SSM has ever been contemplated, let alone done prior to the sexual liberalisation of the last 30 years. SSM itself has only been in existence for 15 years. We have no long term data on its effects. We also do not know what long term consequences 30, 40, or 50 years of SSM will have on our kids, marriage in general and society. It is a therefore, 'test','trial' or 'operation for the purpose of discovering something unknown', and the tests are being done on our most important social institution, marriage.

SSM is therefore the biggest social experiment of our generation

WHY THE MARRIAGE ACT IN AUSTRALIA MUST REMAIN AS IT IS: BETWEEN ONE MAN AND ONE WOMAN.

- Marriages have always been the main and most effective means of rearing healthy, happy and well-integrated children. That is why the law, though it takes no notice of ordinary friendships, recognises and supports marriages.
- We have seen that marriage is a unique and special type of relationship and that non-marital relationships do not provide the state with the goods or benefits that marriages do. There is therefore no moral or ethical requirement to recognise non-marital relationships as marriages. If, however, recognising such relationships as marriages will obscure the shape and weaken the norms of marriage, then it will affect an institution on which social order depends. There is therefore, the potential for much harm to be done.
- Thus, the underlying problem with SSM is not whether or not it conveys benefits to SSC. The problem is that the end result is a complete redefinition of something that has been a foundation of all civilised societies for 5 millennia. Given the central role that marriage has played over these millennia, it is highly likely that the end result of this will be a bad thing for us all.

"A thought experiment will crystallise our central argument.

Almost every culture in every time and place has had some institution that resembles what we know as marriage. But imagine that human beings reproduced asexually and that human offspring were born self-sufficient. In that case would any culture have developed an institution anything like what we know as marriage? It is clear that the answer is no.

Our view explains why. If human beings reproduced asexually, organic bodily union would be impossible; no kind of union would have any special relationship to bearing and rearing children; and the norms that these realities require would be at best optional features of any relationship, to be observed or not according to taste. Thus, the essential features of marriage- those of comprehensive union- would be missing; there would be no need that marriage uniquely filled.

The insight that pair bonds make little sense and uniquely answer to no human need apart from mind-body union inherently ordered for family life merely underscores the conclusions for which we have argued: marriage is a kind of union shaped by its comprehensiveness and thus, among other things, fulfilled by procreation and childrearing. Only this can account for its essential features, which make less sense in other relationships. Because marriage uniquely meets essential needs in such a structured way, it should be regulated for the common good, which can be understood apart from specifically religious arguments. The needs of those who cannot prudently or who do not marry (even owing to naturally occurring factors), and whose relationships are justifiably regarded as different in kind, can be met in other ways.

The view laid out in this book is thus not a cynical trade-off between the good of a few adults and everyone else. Nor are there 'mere arguments' squaring off against people's 'concrete needs'. We reject both of these dichotomies. Marriage understood as the conjugal union really serves the good of children, the good of spouses and the common good of society. " (GGA)

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