

Would changing the law harm other people's marriages?

Some advocates for changing the law have placed the "symbolic and social importance of marriage" as their first argument for seeking a redefinition.¹⁰ On this point we agree – laws do matter! Laws influence the way people think about right and wrong and how they choose to act. At stake are the hearts and minds especially of our young people who are still trying to form a healthy sense of love and relationships.



What can you do about this?

Our federal politicians are now required by parliament to seek your views on this question. It is important that you express it. Write to your local member, begin a petition or make an appointment to meet with them to respectfully share your views.

We agree that every human being must be respected and treated with dignity, however, for the good of our community and especially for the future of our young people, we should continue to protect the unique institution of marriage as traditionally understood and actually lived as the complementary love between a man and a woman.

When writing to politicians remember:

- Always maintain a respectful and courteous tone
- Use your own words as far as possible
- Be brief – not more than a page
- Let them know that this issue is important to you and will influence how you vote.



Footnotes

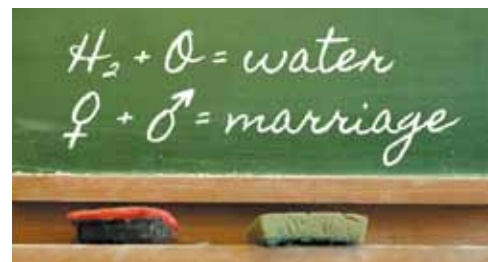
1. Familiaris Consortio (The Role of the Christian Family in the Modern World) #1
2. Ibid #86
3. This view was upheld in the case of *Joslin v New Zealand* (1999), in which a lesbian couple took the New Zealand government to the UN claiming a breach of their human rights. The UN Committee concluded that the right to marry only exists between a man and a woman and that same-sex unions do not fit within the definition of marriage intended in ICCPR.
4. Marriage Act (1961) ss 5.46
5. See www.marriagelawfoundation.com for a summary of US legislation and legal decisions governing same-sex unions and the recognition of marriage.
6. Hall, Alan. "Switzerland considers repealing incest laws" Telegraph 17 Dec 2010 <http://www.telegraph.co.uk/news/worldnews/europe/switzerland/8198917/Switzerland-considers-repealing-incest-laws.html>
7. M Gallagher & J Baker In Margins: Maryland Law Journal on Race, Religion, Gender and Class 2004 p 165 (as cited by Fr John Harvey in *Homosexuality and the Catholic Church* (Ascension Press 2007))
8. UN Convention on the Rights of the Child, Article 7 <http://www2.ohchr.org/english/law/crc.htm>
9. Children growing up in the care of a same-sex couple have the right to be treated with love and respect as must the couple themselves. Respect for individuals, however, does not mean that the objective differences between the relationship of a same-sex couple and the marriage of a man and woman can be disregarded.
10. Gay & Lesbian Rights Lobby *Senate Inquiry into the Marriage Equality Amendment Bill* (2009) August 2009 http://glrl.org.au/images/stories/senate_inquiry_into_the_marriage_equality_amendment_bill.pdf

The question we are now faced with is not so much one of equality, but rather an attempt to have our parliament make a public declaration, enshrined in law, that same-sex relationships are no different to heterosexual marriage. However, we know that the intimate union of a man and woman is not the same as that of a same-sex couple. The unique dignity of femininity, the equal and complementary role of masculinity and the good of children must be protected in the existing definition of marriage.

If you would like to find out more about this important issue, visit the following websites:

Life, Marriage and Family Office
www.cam.org.au/lifemarriagefamily

US Bishops Defense of Marriage –
Frequently asked questions
www.usccb.org/defenseofmarriage/faqs.shtml



**Life Marriage
and Family Office**
CATHOLIC ARCHDIOCESE OF MELBOURNE

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Marriage AND same-sex unions

Are they the same?

ANSWERS TO
CHALLENGING QUESTIONS

“Knowing that marriage and the family constitute one of the most precious of human values, the Church wishes to speak and offer her help... to every person who wonders about the destiny of marriage and the family.”¹

What does the Church say?

Sexuality is a gift that reveals God’s love in us – a love that is total, faithful, fruitful and free. When a husband and wife sincerely give themselves to one another in marriage, their love is made visible by their care for one another and in their children. At its core, marriage respects and affirms the distinct yet complementary difference between a man and woman and its natural link to bearing children.

The Church insists that we respect the dignity of every person. This includes those who experience same-sex attraction. It is this same respect for human dignity that calls us to recognise that these relationships are not the same as that of a husband and wife.

We should continue to uphold the truth and beauty of male-female sexuality and its connection to children which is implicit in our understanding of marriage. It does our society a grave injustice to promote the mistaken view that the complementary sexual difference of women and men with its natural link to bearing children, is irrelevant to marriage. This tacit rejection of gender and the meaning of sexuality ultimately leads to a dehumanising view of the person which respects neither the beauty of femininity nor any distinctive sense of masculinity. It fails to respect the truth of who we are as man and woman.

Our Shared Human Experience

“The future of humanity passes by way of marriage and the family.”² Where marriages and families are strong, society thrives. When these bonds are not respected and protected, we all suffer. Do we not all see the painful truth of this in the broken marriages of our own families and friends?

For this reason, civilised societies throughout history – Christian and non-Christian alike – have upheld the unique bond that exists between a man and woman in marriage. The International Covenant on Civil and Political Rights (ICCPR) – the foundation of all UN recognised human rights – affirms this. In article 23 it expresses the right of “men and women” to marry. It is article 23 alone that uses the collective term “men and women”. The remaining 52 articles refer to either “all people” or “human beings”. International case law has affirmed that the right to marry exists only between a man and a woman.³

Australian law also reflects this, defining marriage as, “the union of a man and a woman, to the exclusion of all others, voluntarily entered into for life”.⁴ In this way, our laws recognise and respect the marriage of man and woman as the natural heritage of all humanity.

What are other countries doing?

Of the 192 United Nations member states, only ten permit same-sex marriage.

In the USA, while same-sex marriages are allowed in five states, attempts to pass such laws have failed in all of the 29 states where the question was put to a popular vote. Against the five states which allow same-sex marriage, 42 US states have expressly ruled to prevent same-sex marriage.⁵ This hardly represents a changing tide of opinion – quite the opposite in fact.

Furthermore, it is important to consider the implications that passing such a law might have. Currently the Swiss parliament is considering the repeal of laws against incest.⁶ Such considerations flow from accepting that the way two people feel toward one another ought to be the sole basis for deciding who can marry and that the consideration of future children is not relevant. Redefining marriage to be based on the desire of the individuals alone, also opens the door to arguments of discrimination from those seeking polyamorous unions.

What about equality and rights?

Properly understood, this debate is not about equality. Same-sex marriage advocates want something entirely different – they want to change what marriage actually means.

Men and women are equal yet different. Justice calls on us to recognise and treat with respect the distinctiveness of femininity and masculinity. It is not an injustice to recognise the unique nature of the relationship which exists between a man and woman. Marriage is treated differently because it is in fact different.

What is in the best interests of children?

Research provides ample evidence to support what common sense tells us – children do better socially, intellectually, physically and emotionally when they are raised with the love of both their father and mother. Over the past 30 years, “literally tens of thousands of studies evaluating the consequences of marriage have been conducted in various disciplines... As a group, these studies point to powerful advantages of intact marriages of a mother and father for children”.⁷

International law recognises the importance of these bonds. It affirms that children have the right to be cared for by their parents.⁸ Introducing children into same-sex households always involves fragmenting the natural bonds of parenthood.

While it is true that a same-sex couple can love and care for a child, we must ask – what is in a child’s best interests? We know that all things being equal, a child’s development is best served when they are raised within the stable, loving environment created by their married biological parents. While we know that in reality this may not always happen, it would be wrong to promote as “equal”, a formation of family which is not the best we can offer a child.⁹



States have supported traditional marriage precisely because experience tells us that the stable union of a man and woman is the environment which best serves children and our community. For the good of future generations we should continue to uphold this understanding of marriage.

But the Church supports adoption. Doesn't that break the family bonds?

Adoption does not set out to redefine marriage and the family. Instead, it seeks to deal compassionately with a difficult and unintended situation. Parents offering a baby for adoption, act in the child’s best interests, aware that another couple can offer something they feel unable to. The good of the child is the primary consideration.

Many single parents do a great job raising children. Are both a mother and father necessary?

Many parents do a tremendous job of raising children alone. However that is no reason to promote fatherless or motherless families as good for society or “equal” to a stable marriage. Single parent families are generally the result of either death or family breakdown. They are not a form of family which people usually set out to create. In any case, the existence of single parent families fails to demonstrate that either the child or parent are better off without the loving and supportive contribution of the absent partner. By contrast, asserting that same-sex unions are equally good is to say that motherhood is unnecessary since a man can be an adequate substitute or, that fathers are dispensable if a woman is just the same.

Couples who don't have children are still married – are same-sex couples any different?

It does not follow that if either age or infertility prevent a married couple from having children, they are no different to a same-sex couple. Being a union between a man and a woman, theirs is a relationship which by nature, has the possibility of procreation – even if for some reason it is not realised. By contrast, it is impossible for a same-sex couple to naturally conceive their own biological children precisely because of the nature of their sexual relationship.