

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Name: Mr Martin Fitzgerald

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The Director

Standing Committee on Social Issues

Legislative Council

Parliament House

Macquarie Street

Sydney NSW 2000

Dear Members of the Standing Committee,

I am writing to express my concern at any attempt to include same sex partnerships in the definition of marriage. Rather, I would urge the Standing Committee to recommend that the present legislation remain unchanged, including the Federal Marriage Amendment Act of 2004 which defines marriage as "a union between one man and one woman to the exclusion of all others, voluntarily entered into for life".

My concerns are twofold. Firstly, that changing the definition of marriage to include same-sex partnerships is not a move towards equality in marriage but a deconstruction of what marriage is. Secondly, that the inclusion of same sex partnerships in the definition of marriage will almost inevitably be used in tandem with anti-discrimination legislation to put pressure on the citizens, associations and institutions of New South Wales to treat same-sex partnerships in exactly the same way as married couples.

With reference to the first concern, a heterosexual relationship which eventually becomes a marriage, usually precisely because the couple intends to have children, is essentially different from a same sex relationship. The act of sexual union in the first case is both the expression of love and can be the cause of the conception of a human being who is the biological offspring of the two people who engage in the sexual union.

This makes homosexual relationships different. Homosexual unions are not reproductive.

One of the most common objections to this line of reasoning is to claim that homosexual unions are the same as the unions of married couples who are infertile. This is a red herring as it ignores the fact that infertile heterosexual couples are the exception, not the rule (7.4% amongst married women in the United States and it is acknowledged that the figure is as high as it is because of contributing lifestyle choices, such as having children later in life). Also, whether a heterosexual couple is infertile is often

unknown before the couple is married or decides to have children. Without a third party intervening, homosexual couples are always infertile.

The biological ties binding parents and children are important for children.

This has been demonstrated by the growing movement of young people who were born by means of IVF technologies from sperm donor fathers who are searching for their genetic fathers in order to better understand their own identity.

One of the biggest problems we are facing at the moment with the break-down of biological families is the detrimental effect it has on young people.

The breakdown of marriages has relevance to the issue of same sex marriage because it highlights the effects on children of not having a member of both sexes as their parents. The importance of a loving mother is almost taken for granted. However, it is well known in adolescent psychology that girls who are connected to their fathers are less likely to engage in risk taking behaviour such as binge drinking, drug abuse or sexual promiscuity. In addition, there are presently many adolescent psychologists pointing out that boys and young men need their fathers in order to be able to understand what it is to be a responsible and loving male. It would therefore be bad policy to deliberately create situations in which a girl or boy would be missing a father or (less likely) a mother. This would be of particular concern if the percentage of same-sex couples with children in Australia is similar to the percentage in Canada where 80% of the same-sex couples who have children are lesbian couples in which obviously, there is no father.

In a 2010 study in the United States it has been shown that of the family types in which children are born and grow (married biological parents, other married parents, unmarried parents, single parents with partner, single parent with no partner and neither parent) maltreatment (that is, neglect and abuse) is lowest in families of married biological parents. See www.acf.hhs.gov/programs/opre/abuse_neglect/nati_incid/nis4_report_exec_summ_pdf_jan2010.pdf

The institution of marriage defined as a union of one member of each sex is intrinsically connected both to the sexual union of the couple and to the most obvious and usual outcome of that sexual union - the reproduction of children. The biological bonds that result are the basis of an institution which is the safest and most nourishing environment in which a young person can flourish. It should not be fundamentally changed by ignoring the sexual differences of men and women.

My second concern lies in the distinct possibility that if the definition of marriage is broadened to include same sex partnerships then anti-discrimination legislation will be used to coerce those who do not think that homosexual partnerships are the same as marriage. A law which broadened the definition of marriage to include same-sex partnerships combined with anti-discrimination legislation could reasonably be expected to be used to pressure citizens to speak and act in ways fundamentally at odds with the welfare of children as evidenced by the information cited above.

Parents, for example, who are the first educators of their children, may not be able to object to their children being taught that marriage between people of the same gender is equivalent to that between a man and a woman, even though the majority of those parents would probably think that there is a significant difference. There will be pressure on teachers not to present to the children they teach the information which I have presented above about which types of family formation are best for children so as to enable them to make informed decisions about their own childbearing.

This is not fear-mongering. The Standing Committee would agree that making laws is a serious business as it has consequences for society. These consequences need to be foreseen and taken into account. I imagine that those who are in favour of changing the definition of marriage have looked ahead to these consequences and are delighted at the prospect of the changes that this legislation could bring about, even if the consequences include some sort of censorship and legal threats. Pressure has been brought to bear on citizens and associations in Canada since that nation legalized same-sex marriage in 2005.

Indeed, I find it hard not to think that the fundamental purpose of the push for same-sex marriage is not so much that same sex couples are particularly enamoured of the idea of marriage, but more that they want their sexual relationships to be considered as equivalent to heterosexual relationships; equivalent even to those heterosexual relationships that have produced children who are biologically related to them.

This seems to be born out in the countries that have included same-sex partnerships in the definition of marriage. In these countries soon after the legislation is passed, there is a rush by same sex couples to get married, but this soon dies out and the numbers of same-sex partnerships who seek to be legally married diminishes.

In the process of this drive towards a mirage of equality, the respectability of the institution of marriage, a respect derived from its close connection to the raising of children, is being somehow co-opted by same-sex couples. There is something of a sleight of hand here – something which is not fully honest and up-front. This is evidenced by the recent statements of homosexuals who marched in France in favour of maintaining the definition of marriage as that between a man and a woman – mainly on the basis that children need both a father and a mother. These homosexuals seem to be happy with their partnerships, suffer no societal disadvantages from their relationship status (one of the homosexual men involved in the French march was the mayor of his town), but recognize that their relationships are not marriages.

For the reasons given above, I ask you to maintain the definition of marriage as it now stands.

Thank you for your attention,

Martin Fitzgerald