

INQUIRY INTO SAME SEX MARRIAGE LAW IN NSW

Name: Mr Gordon Menzies

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Dear Sir/Madam,

I am writing to you about the proposed same-sex marriage bill that is being proposed for NSW.

First, let me thank you for the work you and your team have put into this issues. Social justice is important to me, and I admire all the people who are committing time and resources to pursuing a more just society.

I won't waste your time pursuing quasi-legal questions about whether a State can have different laws to other States - as if these kinds of issues were central. In my opinion if something is right it ought to be pursued even if it is inconvenient to individuals or institutions.

But I do want to ask whether this proposed law is really a move forward. As I understand the argument for same sex couples, it goes something like this:

We have, as a society, unlinked sex from pro-creation and we regard most forms of consensual adult sex as OK. Therefore, if people can responsibly care for each other and raise children, who cares what their consensual sexual practices are,? Why not let the term 'marriage' embrace these arrangements, and leave it to the parties themselves to decide whether they enter into it or not.

The strength of these arguments are apparent to me. They are caste in terms of child welfare, and in terms of respect for gay people. There may also be a measure of (unspoken) guilt at play about the treatment of gays in the past.

However, I doubt the premises of the argument, as well as it's implications for other social arrangements.

First, it is unclear to me that unlinking sex from pro-creation has been a great success. To the extent that the existing institution of marriage is socially valuable, it seems to me that some (not all) aspects of the sexual revolution have been less than valuable.

Second, the argument for same sex couples is not too weak, but too strong. If I have understood it correctly, it seems to take the unlinking of sex and procreation to its logical extreme - that any caring arrangement to look after children properly could be defined as marriage. This includes 'marriages' of more than two persons, for the arguments for legalizing polygamy are essentially the same.

I wish you well in your deliberations, and I apologize if anything in this email has offended you.

Kind Regards

Gordon