

Submission to the Australian Senate

Dear members of the Parliament of the Commonwealth of Australia,

Considering that the institution of marriage is the foundation of the family and considering that the family is the foundation of society, Focus on the Family Australia strongly supports the Marriage Legislation Amendment Bill.

Like never before in the history of humankind, the institution of marriage is under vehement attack. The efforts to destroy the definition of marriage as the union between a man and a woman are intense. If these efforts succeed, they will bring about the destruction of one of the foundations of our society.

Today, more than ever, a clear definition of marriage as the union between a man and woman (1 Subsection 5 (1) of the Amendment of the Marriage Act) is needed in order to preserve an essential institution of our nation.

The reasons for our support of the Marriage Legislation Amendment Bill are based on solid social, economic and legal evidence.

Please ask yourselves the following questions and consider the answers provided below before you vote.

I. Is the Right to Marriage a Fundamental Human Right?

According to Article 16 of the Universal Declaration of Human Rights,

- (1) “Men and Women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.”
- (2) “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”¹

According to Article 23 of the International Covenant on Civil and Political Rights:

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” (Article 23.1)

“The right of men and women of marriageable age to marry and to found a family shall be recognized.” (Article 23.2)²

If the definition of marriage is changed, then the meaning and purpose of the articles mentioned above will be destroyed. The destruction of the concept of marriage means the destruction of the right to marriage and family for the overwhelming majority of people in Australia.

A very small group of people should not be allowed to redefine marriage and family. If marriage is not the union between a man and a woman, but the union between a man and a man or a woman and a woman, then why not the union of three men and a woman, a brother and sister? If the definition of marriage is changed radically, it will be very difficult to restore the original meaning of the word “marriage,” which reflects an objective reality. The institutions of marriage and family have stood the test of time. If the words “marriage” and “family” are re-defined, the basic foundation of social stability and development will be destroyed.³

II. Can the Change of the Definition of Marriage Affect the Right to Religious Freedom?

If the definition of marriage is not clearly stated in the law, this will open the doors for the acceptance of homosexual “marriage”. This is the case in countries such as the US, Belgium and Holland. The next step leads to the restrictions on the right to religious freedoms. For example, in Canada, the Canadian Parliament passed Bill C-250 in April, 2004. This bill effectively criminalized speech or writings that criticize homosexuality. The penalty for anything deemed to be ‘homophobic?’ ... six months in prison or other severe financial penalties.⁴

III. How Does the Institution of Marriage Affect Economic Development?

When marriage fails, there is a tremendous economic cost to society. In a report submitted to the Australian House of Representatives titled, “To Have and to Hold- Strategies to Strengthen Marriage and Relationships”, it was stated that conservatively there was a cost of around \$3 billion per annum to society as marriages dissolve . When the indirect costs are included, the figure is possibly double.⁵ The destruction of the definition of marriage will undermine the institution of marriage even more. This will bring very negative economic consequences.

The institutions of marriage and family are essential for sustainable economic development. According to Professor Sophia Aguirre, a leading scholar on economic development, “Data from across countries and sciences seems to suggest clearly that it is the family that should be the point of reference if sustainable development is to be achieved. This is so not because the family is a problem to economic development but rather the contrary. It is the solution, for it is within the family where human, moral, and social capital, all sine qua non conditions for an economy to develop, are supported or hampered. Children develop best within a family that is functional, i.e., with biological parents in a stable marriage. This means that the family is a necessary good for economic development and thus it should be promoted and protected if sustainable development is to be achieved.”⁶

One of the best ways to protect the family is to ensure that the concept of marriage as the foundation of the family is not destroyed. The Marriage Amendment Legislation is an excellent instrument to ensure that the concept of marriage will not be destroyed. The preservation of the concept of marriage means the preservation of the family.

IV. Should we allow a change in the definition of marriage, because there is an increasing loss of the ideals of marriage?

Since the 1970's, there has been a significant loss of the ideals of marriage in Australia. Marriage, while no longer considered by everyone, is still the most reliable family form. With 39% of all marriages likely to end in divorce, 61% remain intact⁷. However, the marriage culture has been eroded by a trend towards de facto relationships and easy divorce. Demographics show that the traditional ideal of raising children with a mother and father, who are married to each other and live under the same roof, is being overshadowed by alternative family structures. From out-of-wedlock births, to the joining of stepfamilies, to families torn apart by divorce, the traditional ideal of marriage is no longer the norm.⁸ This social experiment we are experiencing here in Australia is generating a "culture of rejection and alienation"¹ in both adults and children, which undermines the unity and security that comes from the institutions of marriage and family. Imagine, if the definition of marriage is destroyed and marriage loses all significance, then ideals of marriage, such as married intact families providing children with greater happiness, health and education opportunities, will decrease and the loss of such ideals will result in negative social consequences, especially for children.

V. Does Marriage Affect the Well-being of Children?

The case for marriage as the union between a man and a woman is not motivated by a political agenda, but instead by the overwhelming evidence that strong marriages between a man and a woman provide greater well-being for the couple and the children. If this is so, then as the prolific marriage author, Glenn Stanton states, "children need mothers and fathers" Why? Because "mothers and fathers parent differently"; because "mothers and fathers play differently"; because "fathers push limits, mothers stress safety;" because "mothers and fathers communicate differently"; because "mothers and fathers discipline differently"; because "mothers and fathers help children prepare for life and the world differently"; because "mothers and fathers provide a unique look at the world of women and men;" because "fathers teach respect for women and vice-a-versa," and very importantly because "mothers and fathers teach respect for relationships."⁹

There are more than ten thousand studies concluding that children do best when they are raised by intact married families of both a mother and father committed to each other and to the children. The children benefit from such stable unions. Studies show children are "less likely to be on illegal drugs, less likely to be retained in a grade, less likely to drop out of school, less likely to commit suicide, less likely to be in poverty, less likely to become teen mothers" These children "are healthier both emotionally and physically, even thirty years later...."¹⁰

¹ Patrick Fagan, "Faith and Family: The Core Strengthens of American Society," Heritage Foundation, Washington, D.C., 2000, July, 1.

VI. Are there Historical Precedents that Show the Consequences of the Destruction of the Definition of Marriage?

There have been times in history when homosexuality has been allowed in a society as in ancient Greece and in the Roman Empire. However, even where homosexuality was tolerated, marriage as the union between a man and a woman continued to be respected in law and customs the normative part of family life. Homosexual “marriage” had not emerged into history until 2001, when the first country on earth legally normalized marriage between same-sex couples.¹¹

In countries, such as Norway, Denmark and Sweden, where de facto “marriage” between homosexuals has been embraced, the institution of marriage is rapidly dying, with most young couples cohabiting or remaining single. As a result of the destruction of the definition of marriage, in some parts of Norway, 80 percent of firstborn children are born out of wedlock.¹²

In the Netherlands, a country very tolerant of homosexuality, studies show that homosexual men have a very difficult time committing to the ideal of marriage. Even though law allows “same-sex ‘marriage’”. A British medical journal reports “male homosexual relationships last on average 1.5 years, and homosexual men have an average of eight partners a year outside of their supposedly ‘committed’ relationships.”¹³

Other studies show that when the a country’s law sanctions homosexual relationships “younger generation becomes confused about sexual identity and quickly lose its understanding of lifelong commitments, emotional bonding, sexual purity, the role of children in a family... Marriage is reduced to something of a partnership that provides attractive benefits and sexual convenience but cannot offer intimacy”¹⁴

VII. Do We Need a Precise Definition of Marriage?

The definition of marriage needs to be precise because nature is precise. Research consistently shows that marriage as the union between a man and a woman is an essential foundation for human development.

“The ultimate result of expanding the definition of marriage is that marriage would mean everything-and nothing. The goal of most influential homosexual leaders who are spearheading this movement is not to broaden the benefits of marriage, but to strip it of any meaning. They see redefining marriage as the first step toward abolishing marriage and the family altogether, thus eliminating the benefits of marriage for everyone.”¹⁵

VIII. Does Marriage, as the Union between a Man and a Woman, Bring Benefits to the Society?

Marriage is not just a private affair, but is a means of creating public virtue in that it responsibly regulates human sexuality, brings a man and a woman together in a

cooperative and mutually beneficial relationship, and provides mothers and fathers for children. Society benefits from supporting the vibrant institution of marriage. Professor Robert H. Combs, a behavior scientist at University of California, Los Angeles, has published over 130 studies on marriage lists, among many other facts, the following empirical data:

- Men and women who marry enjoy better health than other relationship forms
- Alcoholism and problem drinking are less common
- Men and women who marry have the weakest relationship to the suicide rate
- Men and women who marry have the lowest morbidity rates
- Children benefit more from an intact marriage and suffer greatly without it.
- Intact marriages and families are less likely to lead to teenage pregnancies and divorce¹⁶

Another interesting fact was published in The Australian Institute of Health and Welfare report released in 1994 that found that the rate of sexual abuse of children in de facto couples is more than three times the rate in natural or adoptive families¹⁷

Patrick Fagan, a leading international sociologist, wrote recently that “the data clearly show that growing up in a traditional married family most often results in better health, longevity, happiness, higher levels of educational attainment, stronger work ethics, and more income and lifetime wealth, and also, to much lower levels of crime, drug addiction, out-of-wedlock births, abortion, divorce, school dropouts, joblessness, poverty, illness, suicide and depression”¹⁸

One simple way to summarize social science research insights gathered from studies of the last century is to say that children thrive in a intact marriage between a man and a woman, where there is commitment to each other and to the children.

Conclusion

The overwhelming majority of people in Australia believe that marriage is the union between a man and a woman. The Universal Declaration of Human Rights and other international instruments recognize the right to marriage. The efforts to destroy the definition of marriage are direct attacks against the right to marriage. The Amendment of the Marriage Act will guarantee that the institution of marriage remains in place, and with it, the historic respect for the right to marriage. By protecting the concept of marriage, the Amendment also protects respect for the concept of family. As myriads of recent sociological studies reveal, the family is the foundation for social and economic development of our nation. The Amendment fulfills the objectives of Article 23 of the International Covenant on Civil and Political Rights, which states that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”¹⁹ Considering that there are systematic efforts to destroy the definition of marriage, the Amendment is the best instrument to protect the fundamental group unit of society, which is the family.

The Amendment is the best approach to avoid the social, economic and political problems inherent in the destruction of the concept of marriage.

The Amendment is consistent with international human right norms; consistent with the fact that marriage and family are essential institutions for social and economic development; consistent with the fact that children benefit from stable homes, where the institution of marriage is respected; consistent with the fact that marriage brings social and economic benefits to society, and consistent with the fact that it brings psychological well-being to the married couples.

Members of the Senate, Australia have a historical opportunity to show the world that we still believe in the institution of marriage and family. That we believe in the family as the foundation for social and economic development. That we believe in fundamental human rights, including the right to marriage. We still can avoid the destruction of the institution of marriage by passing the Marriage Amendment Bill. We still can avoid the mistakes made by other nations, which have destroyed the definition of marriage. In this pivotal moment in Australia's history, nations around the world are watching what we are doing. By passing the Amendment, we will be a positive example for nations around the world that are seeking ways to protect and promote the institution of marriage.

Submission by;
Focus on the Family Australia.

¹ *Universal Declaration of Human Rights*. Adopted by the United Nations General Assembly, Resolution 41/128 of 4 December 1986. at: <http://www.un.org/overview/rights.html> (7/9/03)

² Officer of the High Commissioner for Human Rights, <http://www.unhchr.ch/hm/meny> 3/b/a_ccpr.htm

³ Dr. James Dobson, *Marriage Under Fire*, (Sisters, Oregon: Multnomah Publishing, 2004), 19.

⁴ *IBID*. 59.

⁵ "To Have and to Hold-Strategies to Strengthen Marriage and Relationships," House of Representatives Standing Committee on Legal and Constitutional Affairs, Parliament of the Commonwealth of Australia: Canberra, June 1998, p.xiv

⁶ Dr. Maria Sophia Aguirre, "The Family and Economic Development," Department of Business and Economics, The Catholic University of America, 8 July 2004, 34.

⁷ Glenn Williams, "Why Marriage Works Best!", "Focus on the Family International, Colorado Springs, Colorado, 1.

⁸ *IBID*, 2

⁹ Glenn Stanton and Dr. Bill Maier, *Marriage on Trial*, (Downers Grove, Illinois: Intervarsity Press, 2004),129-130.

¹⁰ Dr. James Dobson, *Marriage Under Fire*, (Sisters, Oregon: Multnomah Publishing, 2004) 54.

¹¹ Glenn Stanton and Dr. Bill Maier, *Marriage on Trial*, (Downers Grove, Illinois: Intervarsity Press, 2004), 48.

¹² See Dr. James Dobson, *Marriage Under Fire*.

¹³ Glenn Stanton and Pete Winn, "Is Marriage in Jeopardy?" Focus on the Family Social Research, Colorado Springs, Colorado, 2003, August 27. 4.

¹⁴ Dr. James Dobson, *Marriage Under Fire*, (Sisters, Oregon: Multnomah Publishing, 2004) 47.

¹⁵ Glenn Stanton and Pete Winn, "Is Marriage in Jeopardy?" Focus on the Family Social Research, Colorado Springs, Colorado, 2003, August 27. 6.

¹⁶ Glenn Williams, "Why Marriage is Best!", Focus on the Family International, Colorado Springs, Colorado, 3.

¹⁷ IBID.2.

¹⁸ Patrick Fagan, "Faith and Family: The Core Strengthens of American Society," Heritage Foundation, Washington D.C., 2000, July. 15.

¹⁹ Officer of the High Commissioner for Human Rights, [http:// www.unhcr.ch/htm/mini_3/b/a_ccpr.htm](http://www.unhcr.ch/htm/mini_3/b/a_ccpr.htm)