

5 June 2015

The Hon Tony Abbott MP  
Prime Minister  
Parliament House  
Canberra ACT 2600

Dear Prime Minister

**Re: Bills to redefine marriage so as to allow 'same-sex marriage'**

As leaders of Australia's major religions we write to express the grave concerns that we, and those who share our various faiths, share regarding Bills that have or will be introduced into the Federal Parliament to change the definition of marriage in Australian law. The definition of marriage enshrined in the Commonwealth *Marriage Act 1961* - "the union of a man and a woman, to the exclusion of all others, voluntarily entered into for life" - reflects a truth deeply embedded across diverse communities, faiths and cultures.

To uphold marriage as the mutual love of a man and a woman, open to the gift of children, is not bigotry or prejudice. At many times throughout history, and sadly still today in some places, people with same-sex attraction have suffered injustice. This is to be deplored. We should do more to ensure that our brothers and sisters who are same-sex attracted are treated with the dignity and respect owed to every human being. But this does not require the further deconstruction of marriage as traditionally understood.

**Vast majority of nations and cultures share our understanding of marriage**

Because of the crucial role marriage plays as the nursery for the future of the community, and its responsibility always to act in the best interests of children, governments everywhere recognise and regulate marriage. Far from being unusual in the international community for not supporting 'same-sex marriage', Australia's definition of marriage as a union of a man and a woman is consistent with that of the vast majority of world nations, who represent over 91 per cent of the global population.<sup>1</sup> To date, only 21 of the 193 member states of the United Nations have changed their legal definition of marriage to incorporate same-sex unions.<sup>2</sup> International courts continue to recognise the truth that marriage is a union of a man and a woman oriented to the begetting and nurturing of children.<sup>3</sup>

As the United Nations Human Rights Committee has affirmed, the “right to marry and found a family”, expressed in the Universal Declaration of Human Rights and elsewhere, “implies, in principle, the possibility to procreate”.<sup>4</sup> This highlights a crucial way in which marriage between a man and a woman is different from a relationship between two men or two women. Stating this belief publicly and upholding it in law is not bigotry, but an acknowledgment of legitimate difference.

### **The link to children is essential to what marriage means**

For the sake of children and to encourage men and women to commit to one another and to their offspring, marriage between a man and a woman has always been given the special recognition and support of the state. This proposed legislation undermines that shared understanding of marriage and places the wishes of adults above the interests of children. It fails to acknowledge the truth that children constitute the very basis for the state’s recognition and regulation of marriage.

We acknowledge that, sadly, some marriages and families break down. But a stable, loving marriage provides the best conditions for raising children. Marriage between a man and a woman gives children the best chance of being loved and raised by their biological mother and father. This is the family structure most consistent with a child’s right to know who they are and where they have come from. It is the family structure associated most strongly with positive child outcomes.<sup>5</sup>

Any adult person can love and care for a child. But, as a couple, two persons of the same sex are not able to provide a child with the experience of both mothering and fathering.<sup>6</sup> Only the institution of marriage between a man and a woman has this inherent capacity to provide children with both of these relationships that are so foundational to our human identity and development.

The proposed legislation would send confusing messages to the community about marriage. At a time when marriage is already under significant strains and pressures, we urge you to do all that you can to support marriage – not undermine its meaning and importance, most of all, for children.

### **Consequences of redefining marriage**

As overseas experience shows us, redefining marriage will have consequences for everyone, as the truth about marriage becomes increasingly a truth which cannot be spoken. It will create legal vulnerabilities for the millions of Australians who will always believe that marriage is between one man and one woman; and who entered into marriage on that basis. In overseas jurisdictions where the definition of marriage has been changed, the public manifestation of this belief has resulted in vilification and legal punishment of individuals and institutions.<sup>7</sup> This violates not only freedom of religion, but also the rights of conscience, belief and association, and the right of parents to educate their children according to their own beliefs. The experience of these countries

which have redefined marriage demonstrates that attempts to address these concerns through legislative “exemptions” have proven to be worthless.<sup>8</sup>

We urge you and your fellow Members of Parliament to uphold the law of the Commonwealth of Australia regarding marriage as the union of a man and a woman and to continue to support the common good of our community by supporting true marriage.

We would be happy to meet with you and other MPs to discuss this matter further in person.

Yours sincerely

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- <http://www.worldpopulationreview.com>.
- <sup>2</sup> "At a glance: same-sex marriage around the world", SBS News, 7 October 2014 [updated 27 May 2015] <http://www.sbs.com.au/news/article/2014/10/07/glance-same-sex-marriage-around-world>.
- <sup>3</sup> On 14 July 2014, in the case of *Hämäläinen v Finland*, the European Court of Human Rights reaffirmed that the right to marry, expressed in the international human rights covenants, "enshrines the traditional concept of marriage as being between a man and a woman." *Hämäläinen v Finland*, Grand Chamber, European Court of Human Rights, Strasbourg, 16 July 2014.
- <sup>4</sup> UN Human Rights Committee General Comment No 19.
- <sup>5</sup> See, e.g., M. Regnerus, "How Different Are the Adult Children of Parents Who Have Same-Sex Relationships? Findings from the New Family Structures Study," *Social Science Research*, 41(4) (June 2012), 752–70.
- <sup>6</sup> For a comprehensive review of studies demonstrating the distinctive benefits for children of mothering and fathering see, e.g., K. Kline and W. Wilcox, *Mother Bodies, Father Bodies: How Parenthood Changes Us from the Inside Out*, Institute for American Values, New York, 2014.
- <sup>7</sup> Some real life examples that have occurred recently:
- The City of Coeur d'Alene, Idaho, ordered Christian ministers to perform same-sex weddings under threat of 180 days' imprisonment for each day the ceremony is not performed and fines of \$1000 per day (<http://dailycaller.com/2014/10/19/Idaho-city-to-christian-pastors-perform-same-sex-weddings-or-face-jail/>);
  - The City of Houston, Texas, subpoenaed pastors, compelling them to submit sermons to legal scrutiny when discussing sexuality (<http://time.com/3514166/houston-pastors-sermons-subpoenaed/>);
  - In Colorado and Oregon, courts have fined bakers who refused on religious or conscientious grounds to bake wedding cakes for 'same-sex weddings' (<http://www.nydailynews.com/news/national/oregon-bakery-gay-gay-couple-refused-bake-article-1.2103577>); in New Mexico a wedding photographer was fined for refusing to do photography for such a ceremony, and her request that the Supreme Court hear her appeal on the right to freedom of speech was later denied ([http://www.nytimes.com/2013/11/19/us/weighing-free-speech-in-refusal-to-photograph-ceremony.html?\\_r=0](http://www.nytimes.com/2013/11/19/us/weighing-free-speech-in-refusal-to-photograph-ceremony.html?_r=0));
  - Catholic adoption agencies in Britain and some US states have been forced to close for not placing children with same-sex couples: Catholic Care (UK), Boston Catholic Charities, DC Catholic Charities and Evangelical Child Family Services in Illinois (<http://www.heritage.org/research/reports/2014/01/adoption-foster-care-and-conscience-protection>);
  - The Deputy Chief Psychiatrist of the state of Victoria was pressured to resign his position on the Victorian Human Rights and Equal Opportunity Commission after joining 150 doctors who told a Senate inquiry that children do better with a mother and father (<http://www.abc.net.au/news/2012-05-15/doctor-quits-equal-rights-board-after-same-sex-row/4011928>);
  - In New Jersey an online dating service was sued for failing to provide services to same-sex couples (<http://www.nationalreview.com/article/226367/dating-intolerance-michelle-malkin>) and a doctor in San Diego County was sued after refusing personally to participate in the reproduction of a fatherless child through artificial insemination (<http://fabnews.go.com/TheLaw/story?id=4941377>);
  - Parents in Canada and several European countries have been required to leave their children in sex-education classes that teach the goodness of homosexual activity and its equality with heterosexual marital activity (<http://www.crisismagazine.com/2015/same-sex-marriage-and-the-persecution-of-christians-in-canada>); in Massachusetts, David and Tanya Parker objected to their kindergarten son being taught about same-sex marriage after it was legalised by the Massachusetts Supreme Court, leading to David being handcuffed and arrested for trying to pull his son out of class for that lesson. They were told they had no right to do so (<http://abcnews.go.com/WNT/story?id=1230620>);
  - The Law Society in England revoked permission for a group called 'Christian Concern' to use its premises because the group supported traditional marriage which the Law Society said was contrary to its 'diversity policy' (<http://www.telegraph.co.uk/news/uknews/law-and-order/9200335/Storm-as-Law-Society-bans-conference-debating-gay-marriage.html>);
  - In Denmark pastors and religious organisations have been forced to allow same-sex marriages in their churches or halls (<http://www.telegraph.co.uk/news/worldnews/europe/denmark/9312447/Gay-Danish-couples-win-right-to-marry-in-church.html>); Ocean Grove Methodist Camp in New Jersey (US) had part of its tax-exempt status rescinded because they do not allow same-sex civil union ceremonies on their grounds (<http://www.hawaiifreepress.com/ArticlesMain/fabid/56/iD/5901/Gay-Lawsuits-Target-Bed-and-Breakfasts-Churches-Nationwide.aspx>);
  - The Chief Rabbi of Amsterdam was threatened with prosecution for 'hate speech' merely for restating the position of his religious tradition (<http://www.jpost.com/Jewish-World/Jewish-News/Amsterdam-chief-rabbi-suspended-for-gay-stance>);
  - Businessmen, athletes, commentators, teachers, doctors and nurses, religious leaders and others in several countries who have spoken in support of traditional marriage have been vilified in the media, denied employment or business contracts, and threatened with prosecution. See, e.g., the cases of Mozilla CEO Brendan Eich, Olympian Peter Vidmar, sports broadcaster Damian Goddard, Navy Chaplain Wes Modder, and Gallaudet University Diversity Officer, Angela McCaskill.
- <sup>8</sup> For a discussion of the serious consequences for religious believers eventuating from the legalisation of same-sex marriage in Canada, a country which explicitly affirms the rights to freedom of religion, conscience, association and speech in its *Charter of Rights and Freedoms*, see the following analysis by Canadian lawyer Leah Singh, "Same-sex marriage and the persecution of Christians in Canada", *Crisis*, 28 May, 2015. <http://www.crisismagazine.com/2015/same-sex-marriage-and-the-persecution-of-christians-in-canada>.