

# Redefining marriage

Same-sex marriage and its consequences





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# Introduction

The legal definition of marriage is: “the voluntary union for life of one man and one woman, to the exclusion of all others”.<sup>1</sup>

Across the world and throughout history marriage, the union of a man and a woman, has been the bedrock of society and enabled communities to prosper. But now politicians are seeking to redefine marriage to introduce same-sex marriage. Homosexual activists are demanding this radical change which would abolish the traditional definition of marriage and impose a new version on the whole of society.

If successful, the political moves to redefine marriage will have profoundly damaging consequences for generations to come. There will be consequences for children, for families, for freedom of speech and ultimately for everyone if the true understanding of marriage is lost.

Although death or divorce may prevent it, children do best with a married mother and father. Yet same-sex marriage denies children either a mother or a father. If marriage is redefined, what is to stop it being rewritten in other ways? Will the legalisation of polygamy be next? It is certain that the new definition would have to be taught in schools, even to young pupils, and so interfere with the right of parents to pass on their own values to their children.

# Serious consequences

Redefining marriage will have serious consequences in ways many people have not yet realised. Same-sex marriage has been created by a tiny minority of countries around the world – only ten out of the 193 UN member countries. Mexico City and six US states have also introduced same-sex marriage.<sup>2</sup> There have been alarming repercussions.

## **Spain: birth certificates**

Same-sex marriage was introduced in 2005. Just a year later it was announced that “father” and “mother” would be removed from birth certificates and replaced with the terms “Progenitor A” and “Progenitor B” instead.<sup>3</sup>

## **Netherlands: three-way relationships**

Holland was the first country in the world to legalise same-sex marriage in 2001. In 2005 three-people relationships were given legal recognition through a “cohabitation agreement”.<sup>4</sup>

## **Mexico City: temporary marriages**

In 2009 Mexico City introduced same-sex marriage, and already politicians there have proposed two-year fixed term marriages. Instead of divorce, the two-year marriage is not renewed.<sup>5</sup>

## **Canada: calls for polygamy**

In Canada there are major attempts to legalise polygamy through the courts using the precedent of same-sex marriage, which was introduced there in 2005.<sup>6</sup> In November 2011 a court in British Columbia found against a fundamentalist Mormon following a series of court battles over his polygamous relationships which he wants to be recognised as legal marriages.<sup>7</sup>

## **Massachusetts, USA: marriage certificates**

In November 2003 a Massachusetts court said same-sex marriage had to be legalised and gave six months for it to be introduced. In response, the State Department of Public Health changed the standard marriage certificate to read “Party A” and “Party B,” instead of “husband” and “wife”.<sup>8</sup>

## **What next for the UK?**

Alongside its 2012 consultation document on redefining marriage, the Westminster Government issued an impact assessment explaining how the words ‘husband’ and ‘wife’ will need to be stripped from official data held by immigration and tax authorities.<sup>9</sup>

The homosexual lobby group Stonewall also wants the words “husband and wife” to be abolished in law. The first clause of its draft same-sex marriage Bill would delete the words “a husband and wife” from the Matrimonial Causes Act 1973, replacing them with the term “parties to a marriage”.

Stonewall’s Chief Executive Ben Summerskill argued: “It is a model for legislation and in some clauses you have to replace the words husband and wife because you cannot have two husbands or two wives.”<sup>10</sup> Yet surely if there is not ‘a husband and wife’ there cannot be a ‘marriage’ in any true meaning of the word. It shows that the moves to create same-sex marriage are trying to redefine reality.



# Polygamy

Creating same-sex marriage inevitably opens up the question of polygamy or ‘group marriage’. If marriage does not have to be defined as the union of one man and one woman, on what basis should a ‘marriage’ be limited to only two people? Jonathan Yarbrough, one of the two men to obtain the first same-sex marriage in Massachusetts, USA, has said: “I think it’s possible to love more than one person and have more than one partner... In our case, it is. We have an open marriage.”<sup>11</sup>

British commentators from both left and right of the political spectrum have argued that if same-sex marriage led to the legalisation of group marriage this would be no bad thing. Guardian blogger Martin Robbins said: “What’s wrong with polygamy? It seems to be that a child brought up by three loving parents would have some quite big economic advantages, and humans have cooperated in child-rearing since the year dot.”<sup>12</sup>

Andrew Lilico wrote a comment piece for Conservative Home which argued that marriage is nothing more than a contractual arrangement. On that basis he said: “I don’t see any good reason for preventing polygamists from entering similar contractual arrangements.”<sup>13</sup>

Some cultures legally endorse polygamy. In the West, with its Christian tradition, polygamy has been a criminal offence, the offence of bigamy. But there are now accounts from Sharia councils of Muslim men in Britain taking a second or third wife in religious marriages which are not recognised by UK law.<sup>14</sup>

Group marriage is only beginning to enter mainstream debate in the West, but has been a long-standing goal of radical pro-homosexual activists. As American author Judith Levine wrote: “Because American marriage is inextricable from Christianity, it admits participants as Noah let animals on the ark. But it doesn’t have to be that way. In 1972 the National Coalition of Gay Organizations demanded the ‘repeal of all legislative provisions that restrict the sex or number of persons entering into a marriage unit; and the

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extension of legal benefits to all persons who cohabit regardless of sex or numbers.’ Group marriage could comprise any combination of genders.”<sup>15</sup> And that is her vision of the future.

# Marriage – the cornerstone of society

The future of marriage should matter to everyone. Marriage is the cornerstone of society. All around the world, across all religions and cultures, the successful societies have been those based upon marriage.<sup>16</sup> Philosopher John Locke referred to marriage as mankind's 'first society'.

But marriage will only continue to be the bedrock of society if it remains the legal union of one man and one woman. Marriage is not an arbitrary construct; it is an 'honourable estate' based on the different, complementary natures of men and women – and how they refine, support, encourage, and complete one another. Marriage involves a public undertaking to stay together for life and is a union for the procreation of children. Marriage is the only legal union which can naturally lead to children and, crucially, it gives children both a mother and a father.

Senior Guardian commentator Michael White has warned that creating same-sex marriage would be unwise.<sup>17</sup> He wrote, "there's an important practical distinction here which goes to the root of any society – namely that heterosexual marriage is there to produce and raise children in a more or less stable environment". He went on to say that no amount of technology can "eliminate the need for a female egg and a male sperm to make a baby. On that fact rest all successful societies since the year dot".<sup>18</sup>

In 2000, the then Home Secretary Jack Straw MP said:

"[Marriage is]...about a union for the procreation of children, which by definition can only happen between a heterosexual couple. So I see no circumstances in which we would ever bring forward proposals for so-called gay marriages."<sup>19</sup>

Sadly he has since changed his position and now calls for the redefinition of marriage.<sup>20</sup>

It is still true that almost two-thirds of children in the UK live in a household headed by a married couple.<sup>21</sup> (In addition, around ten per cent of

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children have lived previously with their married parents but have since seen them separate or divorce.<sup>22</sup>) Most cohabiting couples have gone on to marry. It is only in a married family that the parents are publicly committed to stay together for life.

Marriage is a public commitment, not a private liaison. The married family is profoundly important for a stable society. Marriage creates new relationships uniting the families of husband and wife. Stable married families are a primary carrier of values. It is in married families that values are most effectively passed down through the generations. It is where children learn right from wrong and where they learn to get along with others and control their own selfish impulses. It is where children have both male and female role models. It is where adults sacrifice their own interests for the benefit of each other and their children.

Thriving communities depend on stable marriages. Marriage creates strong networks of wider family relationships which are at the root of flourishing societies. Marriage isn't only about two people coming together, it also brings two families together with all the privileges and responsibilities that involves.

Marriage has enjoyed a privileged status in the Western legal tradition because of the unique social benefits it offers.

# Redefining marriage and the family

## **What is marriage?**

The question ‘what is marriage?’ lies at the heart of the issue.

Revisionists argue that marriage is simply a social construct which politicians are free to rewrite. They say that marriage has existed in all sorts of forms throughout history. But this is contradicted by overwhelming evidence that marriage as the union of a man and a woman has been at the centre of every successful society.<sup>23</sup> Its fundamental structure, based on the complementary natures of men and women, has remained constant.

The union of a man and a woman in marriage is in fact an ‘independent reality’. Its fundamental structure cannot be changed by any person or government. Yet same-sex marriage would redefine marriage in law. As former Archbishop of Canterbury George Carey has said: “The honourable estate of matrimony precedes both the state and the church, and neither of these institutions have the right to redefine it in such a fundamental way.”<sup>24</sup>

Professor Robert George of Princeton University explains that: “Marriage’s independent reality is only confirmed by the fact that the known cultures of every time and place have seen fit to regulate the relationships of actual or would-be parents to each other and to any children that they might have.”<sup>25</sup>

## **Changing the law**

The true nature of marriage cannot be altered by anyone. But rewriting the legal definition of marriage will nevertheless cause great damage. Dismantling marriage in law will inevitably downgrade its status in society.

Generally, laws express what society thinks and what society thinks shapes how people live. For example, when the State supports marriage,

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it sends out the message that children need a mother and a father. Same-sex marriage sends out the message that they don't – mothers or fathers are dispensable.

Creating homosexual marriage would rewrite the language of parenthood. Familiar words like husband, wife, mother and father will disappear from legislation. It would mean fundamentally rewriting family law, removing an entire sex from legal marriage.

There are over 3,000 references to marriage in law. The oldest dates back over 700 years to an Act passed in 1285 in the reign of King Edward I. Part of this legislation is still in force and includes the term “husband and wife”. Pointing to this evidence Lord Brennan QC, a Labour Peer and former Chairman of the Bar Council, has said changing the law, “would obliterate vast amounts of our cultural and legal heritage”.<sup>26</sup>

The Equalities Office is already suggesting that government bodies will have to cease using ‘husband’ and ‘wife’ if marriage is redefined. The Coalition for Marriage has warned that using such words could be prohibited in public documents and banned in the public sector.

## **False divide between ‘civil’ and ‘religious’ marriage**

Advocates of homosexual marriage repeatedly argue that they merely want to redefine ‘civil marriage’, while leaving ‘religious marriage’ alone. But this is a false division. There is only one definition of marriage in law. As the Church of England has said: “They mistake the form of the ceremony for the institution itself.”<sup>27</sup>

English law defines marriage as “the voluntary union for life of one man and one woman, to the exclusion of all others”.<sup>28</sup> This definition was given by Lord Penzance in the leading case *Hyde v Hyde and Woodmansee* [1866].<sup>29</sup>

A legal marriage may be solemnised in either a religious or a civil setting, but whether the ceremony takes place in Westminster Abbey or a registry office the couple enter the same legal union – marriage. The definition of marriage stands whether the ceremony is religious or civil.

Lord Penzance said his ruling recognised the understanding throughout ‘Christendom’. The Western legal tradition on marriage is explicitly based on Christian teaching but marriage is not just for Christians. It is universal.

Marriage between one man and one woman for life is part of the natural moral order. It is an independent reality which no governing authority should seek to restructure.

### **Marriage - an objective reality**

The Book of Common Prayer recognises three purposes, according to Scripture, for which marriage was ordained:

- (i) the procreation and nurture of children;
- (ii) as a remedy against sin (fidelity), and;
- (iii) for the mutual society, help and comfort of man and wife.<sup>30</sup>

These three purposes of marriage have been historically accepted by all Christian denominations.<sup>31</sup> The Apostle Paul is clear that marriage reflects Christ's union with his Church (Ephesians 5:22-33).

Marriage is a union between one man and one woman. It is a creation ordinance, instituted by God. Quoting from the book of Genesis, the Lord Jesus Christ said:

“Haven't you read,” he replied, “that at the beginning the Creator ‘made them male and female,’ and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh?’”<sup>32</sup>

Marriage is an objective reality defined by nature not the State. The State merely recognises what already exists. In a very real sense politicians can no more define marriage than they can decree that henceforth the moon shall be deemed to be made of cheese. Redefining marriage would be the triumph of ideology over reality.

Since in Christian understanding sex is exclusively for marriage, homosexual marriage also equates holy matrimony with something which is morally wrong (see for example, 1 Corinthians 6:9). This causes deep offence. Virtually all the world's religions take the same view that sex is exclusively for marriage.

# Marriage is the proven best for children

Leaving aside all the other very great benefits for society, the fact that marriage is the proven best for the raising of children is sufficient reason to maintain the special status it has in law.

The Westminster Government's Social Justice strategy paper said in March 2012:

“Analysis of the Millennium Cohort Study shows that around one in ten married parents split before a child's fifth birthday, compared to one in three cohabiting couples. Given that married relationships tend to have greater longevity and stability than other forms, this Government believes marriage often provides an excellent environment in which to bring up children. So the Government is clear that marriage should be supported and encouraged.”<sup>33</sup>

In 1998, the Labour Government Green Paper on the Family, *Supporting Families*, said, “... marriage is still the surest foundation for raising children and remains the choice of the majority of people in Britain”.<sup>34</sup>

According to figures cited by the Centre for Social Justice, fewer than one in ten married couples split by the time their child's fifth birthday compared to one in three of cohabiting couples. Some 97 per cent of couples who stick together until their children reach adulthood are married.<sup>35</sup>

It is still true that most people marry and most marriages last for life.<sup>36</sup>

Children are conceived through heterosexual intercourse. The most basic unit of society - the family - is based on biology not ideology. Children need a father and a mother to nurture them. We are made that way. Children need parents who love them and love each other just as much. That love must be a permanent and not a temporary commitment. As Professor Hadley Arkes, of Amherst College USA argues:



“Is it better for children to be spawned in random relations, or is it better for them to be begotten in arrangements in which their parents are bound to their offspring by the ties of law as well as nature... that parents would be as committed to the nurturance of their children as they are committed to each other as husband and wife?”<sup>37</sup>

Of course not all married couples are able to have children. But marriage is privileged in recognition of the fact that it is the best environment for raising children. And the great majority of children (almost two-thirds) live in a household headed by a married couple.<sup>38</sup>

The best environment for raising children is marriage because the spouses have committed themselves to each other, and thus their children, for life. No other kind of relationship provides this environment of stability and permanence for children. Social science confirms that lifelong and loving marriage is the ideal context in which to raise children.

### **Powerful evidence**

The evidence that marriage is best for bringing up children continues to flow in. It is vast, increasing and unanswerable.

A 2010 paper from the Institute for Fiscal Studies observed that, by the age of three, there are “significant differences” in child outcomes between children born to married parents and those born to cohabiting parents. Children born to married parents showed superior social, emotional and cognitive development.<sup>39</sup>

A team of 18 academics published a report in 2011 which examined over 200 separate social science studies on cohabitation, marriage and the welfare of children.<sup>40</sup> The report concluded:

- A child who is not living with his or her own two married parents is at greater risk of child abuse;
- Children who live with their own two married parents enjoy better physical health, on average, than children in other family forms;
- Cohabitation is associated with higher levels of psychological problems among children.

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Children living with single parents are more likely to have been suspended from school and more likely to repeat a year than children living with continuously married parents.<sup>41</sup> Boys' likelihood to act out and eventually experience a school suspension is about twice as large in a sample of children raised by single mothers.<sup>42</sup>

In an Australian study comparing married and cohabiting couples, children of married couples were significantly more likely to do well at school.<sup>43</sup>

For babies born in England and Wales, the stillbirth and infant mortality rates are lowest for those born within marriage. The rate for infants (under one) born outside marriage was 15 per cent higher in 2010 than the rate for the children of married couples.<sup>44</sup>

In 2009/10, children in cohabiting families living in the UK were 1.5 times more likely to be living in poverty than children in married families after housing costs were considered. Children living in lone parent families were more than twice as likely to be living in poverty than children in married homes.<sup>45</sup>

# The legal rights are available already

Tony Blair's Labour Government introduced civil partnerships in 2005. Civil partnerships give homosexuals all the legal rights and privileges of marriage, but it is a separate scheme and those registering do not get a marriage certificate.

Advocates of same-sex marriage have often used the argument that marriage must be redefined to remedy discrimination. Yet the Civil Partnership Act already grants homosexual couples all the legal rights of marriage. This includes the same rights with regard to tax, including inheritance tax exemptions, as well as:

During the relationship –

- Joint treatment for income-related benefits;
- Joint state pension benefits;
- Ability to gain parental responsibility for each other's children;
- Recognition for immigration purposes.

On dissolution of a partnership –

- Arrangements for property division;
- Residence arrangements;
- Contact arrangements with children.

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On death of one partner –

- Right to register the death of the partner;
- Right to claim a survivor pension;
- Eligibility for bereavement benefits;
- Compensation for fatal accidents or criminal injuries;
- Recognition under inheritance and intestacy rules;
- Tenancy succession rights.

Although the media and some homosexuals like to call civil partnerships ‘gay marriages’, they are not marriages in law or in reality. Most people in our society know this instinctively and think of them as distinct from marriage. One opinion poll conducted in February 2012 found that although 59 per cent of people support civil partnerships, 70 per cent believe marriage should remain the union of one man and one woman.<sup>46</sup>

The Civil Partnership Act 2004 replicates the ‘prohibited degrees’ of relationship contained in marriage law and so the scheme was evidently designed for a sexual relationship between two people of the same sex. The Act assumes a moral equivalence between marriage and homosexual relationships and as such cannot be supported by biblical Christians.

At the time the then Government relied heavily on the argument that homosexual couples were suffering injustice, in comparison to married couples, by being unable to access certain legal and financial rights. But in response, many people pointed out that other forms of close relationships faced similar hardships. For example, if an elderly woman shared a home with her sister for many decades, she could still lose the home on the death of her sister because the law does not grant siblings the same inheritance tax exemptions as married couples. After the Act came into force, two elderly sisters took an unsuccessful legal case about this obvious injustice to the European Court of Human Rights.<sup>47</sup>

## A costly change

Although both the Westminster and Scottish Governments are supporting same-sex marriage, neither have proposed opening up civil partnerships to heterosexual couples. Pink News, a prominent homosexual news website, claimed in February 2011 that David Cameron and Nick Clegg would eventually like to do this.<sup>48</sup>

But homosexual lobby group Stonewall has calculated that it would cost the Government £5 billion because of the tax and pensions entitlements that would become available through civil partnerships to the millions of heterosexual couples in Britain.<sup>49</sup>

Homosexual activist Peter Tatchell is leading a campaign to create both same-sex marriage and opposite-sex civil partnership, claiming that some heterosexuals “dislike the patriarchal history and language of marriage; viewing civil partnerships as a more modern, egalitarian alternative”.<sup>50</sup> He is backing a legal challenge on this basis to the European Court of Human Rights,<sup>51</sup> even though the Court ruled in June 2010 and then again in March 2012 that homosexual marriage is not a human right.<sup>52</sup>

If same-sex marriage is introduced in the UK without heterosexual civil partnerships there will be two legal options for homosexuals (marriage or civil partnership) but only one for heterosexuals (marriage). There are bound to be legal challenges to this in the courts on human rights grounds and it is realistic to predict the courts will in time force civil partnerships to be opened up to heterosexuals.

# Do homosexuals want monogamy?

Despite the pressure from some gay rights campaigners, the debate over the legalisation of homosexual marriage is perhaps at its most heated amongst homosexuals themselves. The central issue at stake is that of monogamy. Many lesbians and gay men do not want to be ‘restricted’ by having to conform to what they see as traditional heterosexual standards. Though he now advocates same-sex marriage, in 2000 homosexual activist Terry Sanderson argued strongly against it:

“The fundamental advantage gay relationships have over marriage is that we can tailor them precisely to our requirements. We can make it up as we go along, change with the circumstances and go with the flow. We don’t have to promise sexual exclusivity or to share our worldly goods if we don’t want to.”<sup>53</sup>

The SIGMA project, the leading research project into homosexual lifestyles in the UK, was conducted by researchers sympathetic to gay rights. Their main study was funded by the Department of Health and published by the then Government. This study found that most homosexual men had casual partners, on average seven per year,<sup>54</sup> and claimed:

“There is a widespread expectation among gay men that relationships will not be monogamous since this is widely seen as a means of combining the security of a long term commitment with the excitement of new encounters.”<sup>55</sup>

The SIGMA researchers used the term “closed” to describe “monogamy”. Their definition would strike many as extremely weak: “A relationship was considered closed if the respondent had not had sex with a third party in the preceding month.”<sup>56</sup> Ever since this main study was published in 1992, subsequent SIGMA research has underlined the non-monogamous character of homosexual relationships.<sup>57</sup>

National statistics show that less than 0.2 per cent of households are headed by a cohabiting same-sex couple,<sup>58</sup> and figures from homosexual academics already referred to would suggest that many of these relationships are not sexually exclusive.

Even those at the forefront of the campaign for redefining marriage admit that, although they believe creating same-sex marriage may lessen the extent of homosexual promiscuity, we cannot expect this to disappear altogether. BBC presenter Evan Davis stated: “Even if you regard an open relationship as imperfect, it is surely still not worthless.”<sup>59</sup> Andrew Sullivan is one of the leading gay intellectuals in the West. His book *Virtually Normal* is probably the most articulate case for same-sex marriage. Yet he argues that homosexual partnerships are superior to heterosexual monogamous marriages since,

“... there is more likely to be greater understanding of the need for extramarital outlets between two men than between a man and a woman... Their failures entail fewer consequences for others.”<sup>60</sup>

# Arguments used for same-sex marriage

During his party conference speech in October 2011 Prime Minister David Cameron said:

“I once stood before a Conservative conference and said it shouldn’t matter whether commitment was between a man and a woman, a woman and a woman, or a man and another man. You applauded me for that. Five years on, we’re consulting on legalising gay marriage. And to anyone who has reservations, I say: Yes, it’s about equality, but it’s also about something else: commitment. Conservatives believe in the ties that bind us; that society is stronger when we make vows to each other and support each other. So I don’t support gay marriage despite being a Conservative. I support gay marriage because I’m a Conservative.”<sup>61</sup>

In saying that political conservatives should support same-sex marriage, because it enhances “commitment” in society, David Cameron was adopting the argument of Andrew Sullivan. In *Virtually Normal* Sullivan said that homosexuals need same-sex marriage to promote “commitment”:

“The values of commitment, of monogamy, of marriage, of stability are all posited as models for homosexual existence. And indeed, of course, they are. Without an architectonic institution like that of marriage, it is difficult to create the conditions for nurturing such virtues, but that doesn’t belie their importance.”<sup>62</sup>

Yet Andrew Sullivan goes on to say that homosexual relationships will never be the same as heterosexual marriage (they are “not entirely normal”), citing differences such as the greater “openness” or “need for extramarital outlets” (i.e. promiscuity) in the homosexual lifestyle.<sup>63</sup>



This is a stark contrast to marriage, which has always been legally defined as sexually exclusive. Most people view adultery as a very serious betrayal.<sup>64</sup> It is a legal ground for marriage to be dissolved.

### **Fundamental difference**

Homosexual relationships are by nature different to marriage. They lack the complementary roles of a man and a woman. Neither can two people of the same sex form the conjugal sexual union which exists in marriage.

Consummation by sexual intercourse is foundational to marriage law throughout the Western world and removing it would completely alter the legal understanding of marriage.<sup>65</sup> Without consummation a marriage can legally be held to have never existed by a declaration of nullity. Political commentator Andrew Lilico has described how in law marriage, “has to be consummated in a very mechanically specific way... if you are a homosexual couple, your marriages cannot be ‘consummated’ in the technical sense traditionally understood... Abandoning consummation would obviously involve re-writing quite a lot of case law.”<sup>66</sup>

There is also the question of whether adultery would effectively be abandoned as a ground for divorce. The Westminster Government’s consultation document on same-sex marriage said, “case law may need to develop, over time, a definition as to what constitutes same-sex consummation and same-sex adultery”.<sup>67</sup> But in 2003 the Women and Equality Unit under the previous Government said that adultery would not be a ground for dissolving a civil partnership because: “Adultery has a specific meaning within the context of heterosexual relationships and it would not be possible nor desirable to read this across to same-sex civil partnerships.”<sup>68</sup>

This all illustrates how marriage and homosexual relationships are fundamentally different. It exposes the fatal flaw in Andrew Sullivan’s argument. How could marriage ever pass on its benefits to something as categorically different as a same-sex relationship?

As we have seen, pro-homosexual academics and writers are quite open about the level of promiscuity and non-monogamy among homosexuals. Those features are the reason why they see same-sex marriage as holding out the possibility of sexual restraint.

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But rather than exporting the benefits of marriage, redefining it would import the instability of homosexual relationships into society's understanding of marriage. This would immeasurably weaken and undermine marriage. As Robert George has explained:

“Rather than imposing traditional norms on homosexual relationships, abolishing the conjugal conception of marriage would tend to erode the basis for those norms in any relationship. Public institutions shape our ideas, and ideas have consequences; so removing the rational basis for a norm will erode adherence to that norm – if not immediately, then over time.”<sup>69</sup>

## **Is ‘love’ enough?**

Revisionists believe that marriage is essentially a relationship of romantic love involving the sharing of domestic cares and responsibilities. Proponents of same-sex marriage therefore argue that homosexual couples should also be allowed to marry. Controversial cleric Dr Jeffrey John, Dean of St Albans, said in March 2012: “Exactly the same love and commitment are possible between two people of the same sex as between two people of different sexes...”<sup>70</sup>

Yet ‘love’ has never been the only requirement for a marriage. As senior media commentator Charles Moore has explained:

“Marriage has never meant simply the right of all people who believe they love one another to have their relationship legally recognised on demand. There are qualifications. You have to be adult. You cannot be married to somebody else. You cannot be closely related by blood to the person you marry. And the person you marry must be of the opposite sex.”<sup>71</sup>

It is fashionable to talk about the ‘ban’ on same-sex marriage as though there was a law specifically preventing it. But the requirements for marriage equally prevent someone marrying their brother or sister, or someone who is already married to another person.

The relationship of a same-sex couple will always be different in structure to heterosexual marriage. There can be no consummation and no complementary male and female roles. Children brought up by a homosexual couple will always lack either a mother or a father figure.

Marriage should not be redefined to encompass something so dissimilar. There can be no better way for a political conservative to ‘conserve’ what is best of our past than to protect the true meaning of marriage for the benefit of future generations.

### **Sexual orientation is not fixed**

It is often argued that homosexuals are ‘born gay’ and so should have the right to marry someone of the same sex. However, sexual orientation is not fixed like race. In 2003 Professor Robert Spitzer, a long-standing supporter of gay rights, published a study in which many of the participants had changed their sexual orientation. Some ended up getting married.<sup>72</sup> In April 2012 he issued an unconvincing retraction, after years of sustained pressure from activists.<sup>73</sup>

Yet days earlier homosexual commentator Matthew Parris had publicly admitted that sexual orientation can change. Parris said he does not think “everyone is alterable” but that “male sexual orientation is less fixed than we suppose”.<sup>74</sup> He concluded: “The day that the battle for homosexual equality is won and over will be the day a man, straight or gay, can boast that he chose.” As Peter Tatchell has said, “it is a choice, and we should be glad it’s that way and celebrate it for ourselves”.<sup>75</sup>

Both race and sex are determined by genes. Identical twins have identical genes. If one identical twin is black, the other also is black. If one identical twin is female, then the other also is female. But this is not the case with sexual orientation. If it were, identical twins (monozygotes) would always have the same sexual orientation because they have identical genes. A study of 980 monozygotal twins in Australia found that only 20 per cent of males and 24 per cent of females who had a homosexual twin were themselves homosexual. If homosexuality was genetically fixed and determined, the figure should be 100 per cent.<sup>76</sup>

# Do homosexuals want same-sex marriage?

It is an open question how many homosexuals actually want same-sex marriage. Some have publicly rejected it. Entertainer Christopher Biggins, who is in a civil partnership, said of marriage, “we can’t just get rid of everything”.<sup>77</sup>

Lesbian and feminist campaigner Julie Bindel wrote on *Guardian Online*: “I absolutely agree that fighting for the rights for same-sex marriage is going too far. I would outlaw marriage for everyone, including heterosexuals, and grant access to a civil partnership union across the board.”<sup>78</sup> Matthew Parris made the same radical call to abolish marriage completely in his *Times* column.<sup>79</sup>

## **Take-up rate of civil partnerships**

Civil partnerships began in 2005. The figures show that they are not as popular as some people may believe.

There have been 46,622 civil partnerships in the UK since they were created, which means 93,244 people have ever been in civil partnership.<sup>80</sup>

The take-up rate of civil partnerships provides a guide to how many homosexual couples may seek to obtain a same-sex marriage. The figure is calculated using the total number of homosexuals but this is a matter of public dispute.

## Calculating the take-up rate of civil partnerships

### Stonewall

According to Stonewall the number of homosexuals in the UK is 3.6 million.<sup>81</sup> This is based on 6% of a 60m population, which therefore must include children. There are about 50.6m adults in the UK;<sup>82</sup> 6% of adults equals 3.04m.

% of homosexual population that has been in a civil partnership:  
 $93,244 / 3,040,000 = 3.1\%$  **take-up rate (Stonewall)**

### Office for National Statistics

The ONS *Integrated Household Survey*<sup>83</sup> published in 2010 found that the lesbian, gay and bisexual population was 1.4%, with 0.9% being homosexual.<sup>84</sup> The ONS report *Measuring Sexual Identity: An Evaluation Report* concluded that this was “broadly consistent” with similar surveys in the UK and provided a “reliable benchmark”.<sup>85</sup> It said that the commonly used estimate of 5 to 7% “should be treated with caution”.<sup>86</sup>

The ONS *Integrated Household Survey* published in 2011 found that the lesbian, gay and bisexual population was 1.5%, with 1% being homosexual.<sup>87</sup> According to the report, this gives a homosexual population of 490,000.

% of homosexual population that has been in a civil partnership:  
 $93,244 / 490,000 = 19.0\%$  **take-up rate (ONS)**

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Even using the higher figure of 19.0 per cent gives a small take-up rate compared to marriage. According to the ONS, 67.4 per cent of the heterosexual population has been married.<sup>88</sup> The number of marriages that took place in the UK during 2010 was 277,740, an increase from 2009.<sup>89</sup>

Equalities Minister Lynne Featherstone admitted that some homosexuals in civil partnerships do not want same-sex marriage,<sup>90</sup> which means the take-up rate would be even lower than that for civil partnerships.

Responding to Roman Catholic opposition to redefining marriage, Ben Summerskill of Stonewall said: "It's extraordinary that Archbishops are worrying about the arrangements of a few thousand gay people."<sup>91</sup> Clearly he does not expect same-sex marriage to be as popular as traditional marriage or, for that matter, civil partnerships.

In 2001 the Netherlands became the first country to legislate for same-sex marriage. Over a decade later there is strong evidence that not many homosexuals are interested in marriage: just 20 per cent of homosexual couples living together in the Netherlands are legally married, compared to 80 per cent of heterosexual couples.<sup>92</sup>

There is no justification for pushing ahead with such a fundamental change as redefining marriage, when the evidence is that most homosexuals do not even want to enter a same-sex marriage.

# Religious liberties

Christians are concerned to protect marriage for the benefit of the whole of society. Yet those who believe in traditional marriage are the people most likely to face hostility and possible legal difficulties if the change goes ahead.

Past cases of intolerance against supporters of marriage show this is a real threat. It is well-known that virtually all **Roman Catholic adoption agencies** have been forced to close or become secular under equality laws for seeking to place children for joint adoption only with married couples.

**Cornish B&B owners Peter and Hazelmary Bull** were fined £3,600 for upholding their ‘married couples only’ policy for double rooms. Mr and Mrs Bull were sued by two men in a civil partnership and were punished even though their policy was applied equally to cohabiting heterosexual couples.

**Registrar Lillian Ladele** was forced to choose between her job as a registrar and her Christian faith for opposing civil partnerships.

If marriage is redefined, there are certain to be alarming consequences for freedom of speech. Supporters of traditional marriage are routinely described as bigots or hateful, even for expressing reasonable arguments.

There have already been high-profile cases:

- The BBC reported that Archbishop of York, **Dr John Sentamu**, was sent “abusive and threatening” racist emails in February 2012 after speaking out against same-sex marriage.<sup>93</sup>
- In the same month **David Burrowes MP** revealed that he received a death threat after opposing the redefinition of marriage.<sup>94</sup> The media later reported that activists published his travel plans on the internet and urged people to confront him.<sup>95</sup>

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- **Gordon Wilson**, the former leader of the SNP, was voted off the board of Dundee Citizens Advice Bureau in November 2011 for publicly supporting traditional marriage.<sup>96</sup>
- In October 2011 a housing association manager from Manchester, **Adrian Smith**, was demoted and had his salary cut by 40 per cent because he commented on Facebook that civil partnerships in churches was “an equality too far”.<sup>97</sup>
- Roman Catholic Archbishop of Glasgow **Mario Conti** was reported to the police in 2006 for a sermon in which he said that civil partnerships undermine marriage.<sup>98</sup>

Changing the law to create same-sex marriage is bound to see cases like these multiply around the country.

### Would churches be safe from legal action?

The Westminster and Scottish Governments both insist that churches will not be forced to conduct same-sex marriages. The proposals for England and Wales aim only to allow homosexual marriage in civil settings. However, would this hold for long? Civil partnerships were established as a purely secular system but within a few years the Westminster Government used the Equality Act 2010 to permit registrations in religious premises in England and Wales. Stonewall and senior members of the Labour Party are already campaigning for same-sex marriages to be allowed in churches.<sup>99</sup> Equalities Minister Lynne Featherstone has let slip: “it may be that it comes back another day”.<sup>100</sup>

There are reports that Church of England lawyers believe churches will face legal action under the Equality Act if marriage is redefined.<sup>101</sup> Proponents of same-sex marriage often claim that only ‘civil’ marriage would be affected by the change. But since there is only one legal definition of marriage, which applies to both religious and civil ceremonies, it is not hard to see why lawyers believe litigation would be inevitable.



# Long-term consequences of redefining marriage

Redefining marriage in law means merging two things which are radically dissimilar under the word ‘marriage’. One category is same-sex relationships, the other the lifelong exclusive union of one man and one woman. The first can never in reality be a marriage, the second truly is. But both will be promoted by the State as the same. Ethicist Andrew Goddard has commented:

“There will, in British society, be no legal term or distinct status for the male-female relationship and bond which seeks, among other goods, to provide a stable and positive framework for society’s continuation through procreation and which many still recognise as foundational to wider human society. Because this is a legal redefinition which does not reflect common social usage, it may take some time to catch on but as it will have the force of law it is almost certain to impose itself on social discourse and action.”<sup>102</sup>

## **Eroding marriage, not extending a privilege**

If marriage is redefined, the status of marriage in society as a whole is eroded. This can be illustrated by some simple analogies.

Disabled parking spaces are a necessary privilege for disabled people who have a disabled parking permit. If you extend the privilege of free parking in disabled parking spaces to able-bodied people, then you have taken away the privilege from those to whom it belongs. There is no longer any special recognition for disabled people. Allowing anyone to park in disabled parking spaces does not extend a benefit, it erodes a right. The disabled parking permit would become worthless.

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If Cambridge University started handing out law degrees at the post office to anyone who could name the Lord Chief Justice, that degree would be drastically devalued. It would still be called a Cambridge law degree, but those who had worked tirelessly for years to qualify for one would be outraged and their precious degree would be worth little more than confetti in the eyes of potential employers.

In a similar way, creating same-sex marriage devalues the currency of marriage.

## The future of marriage

Ideas have consequences. If marriage is redefined, over time it will be devalued in society. The change will obscure the true meaning of marriage in the minds of individuals. Changing how people think about marriage will end up changing how they treat it.

Redefining marriage would blur the distinction between legal marriage and friendship. On what basis should the new definition of marriage be more permanent or binding than a friendship? It would lead to fewer people viewing marriage as a lifelong commitment. If people view marriage as not materially different to a friendship, it becomes less clear what is special about marriage at all. In the long-term fewer people would marry. Therefore fewer children would be raised by a married mother and father and so would be deprived of its benefits.

The structure of marriage in law is dismantled by removing the requirement for a man and a woman. This opens the way for the further restructuring of legal marriage by allowing polygamy or group marriage. In their 2006 statement *Beyond same-sex marriage: a new strategic vision for all our families & relationships* a collection of academics and public figures in the USA called for the legal recognition of multiple-partner sexual relationships.<sup>103</sup>

For a handful of activists the real goal is to abolish marriage in law. Same-sex marriage is a means of achieving this aim. The prominent US activist Michelangelo Signorile declared that homosexuals should “demand the right to marry not as a way of adhering to society’s moral codes but rather to debunk a myth and radically alter an archaic institution”.<sup>104</sup> Academic revisionist Ellen Willis has said, “conferring the legitimacy of marriage on

homosexual relations will introduce an implicit revolt against the institution into its very heart".<sup>105</sup>

On this view, the ultimate agenda is to try to force society to accept all sexual choices as equally valid. As the *Beyond same-sex marriage* campaign claims: "All families, relationships, and households... will be helped by separating basic forms of legal and economic recognition from the requirement of marital and conjugal relationship."<sup>106</sup>

# Lessons from history

There are no precedents in recorded history where advanced civilisations have endured based on homosexual or temporary relationships. Neither are there any advanced civilisations which have endured where marriage has been equated with such relationships.

Attempts have certainly been made to give cohabitation the same status as marriage, and provide for easy divorce, but either these moves had to be reversed within a few years, as in Revolutionary Russia and France, or the civilisation itself collapsed.

Aldous Huxley in his book *Ends and Means* examined the massive anthropological comparative study *Sex and Culture* by J D Unwin. Huxley found Unwin's evidence compelling.<sup>107</sup> Unwin concluded after studying eighty primitive and sixteen advanced societies that cultural achievement and sexual licence were incompatible for more than one generation. Societies flourished where absolute monogamy had been practised.<sup>108</sup>

## **The Bolshevik Experiment**

Early communist Russia aggressively promoted cohabitation and equated it with marriage. The 1918 *Family Code* "severed the concept of marriage from that of the family".<sup>109</sup> Then the 1926 *Family Code* recognised couples living together without any form of registration. Only three days were needed to get a divorce.<sup>110</sup> Between 1926 and 1927 an already high divorce rate rose by nearly 70 per cent.<sup>111</sup> It was written at the time, "we have in Russia if not a condition certainly a spirit of free love".<sup>112</sup>

The modern day feminist Wendy Z Goldman is clearly sympathetic with what the Bolsheviks were trying to achieve. She writes that the Bolsheviks believed that under their economic and social reforms:

“...marriage would become superfluous. Men and women would come together and separate as they wished, apart from the deforming pressures of economic dependency and need. Free union would gradually replace marriage as the state ceased to interfere in the union between the sexes. Parents, regardless of their marital status, would care for their children with the help of the state; the very concept of illegitimacy would become obsolete. The family, stripped of its previous social functions, would gradually wither away, leaving in its place fully autonomous, equal individuals free to choose their partners on the basis of love and mutual respect.”<sup>113</sup>

In 1929 the pro-Soviet author Maurice Hindus wrote that:

“Marriage certainly is ceasing to have any sanctity or even any vital significance. In a legal sense it hardly exists at all, and this condition would not change appreciably even if registration of unions were made compulsory again. It could not change so long as mating and separation are unbound by any hindrances.”<sup>114</sup>

He describes the story of a 30-year-old man in revolutionary Russia who had been ‘married’ and ‘divorced’ twelve times.<sup>115</sup>

However, the ensuing destruction of family life began to destroy Russian society itself. Hindus wrote that the “social bonds of family life [were in the] process of dissolution”.<sup>116</sup> Immense problems were posed by divorce, alimony, family instability and homeless waifs wandering the streets (‘besprizornost’).<sup>117</sup>

Even Lenin was appalled at the consequences of the policy which he himself had instigated. In 1929, five years after Lenin’s death, Hindus wrote of the people’s response to the law’s retreat from morality: “Sex was to be as free and simple as drinking a glass of water. The older revolutionaries were outraged...Lenine [sic] himself was frantic with indignation. ‘The theory of a glass of water (in sex-life),’ said he, ‘has made our youth mad... and this is anti-Marxian and anti-social’.”<sup>118</sup>

Russia’s leaders eventually had to do something about it. The deputy chairman of the Supreme Court said in 1936: “It is necessary to put an end to the anarchist view of marriage and childbirth as an exclusively private

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affair”.<sup>119</sup> Wendy Goldman said: “In 1936, jurists repudiated many of their earlier ideas, and in a clear ideological shift, demanded the strengthening and stabilization of the family.”<sup>120</sup> By 1944 Stalin’s *Family Edict* had returned divorce proceedings to the courts and ‘de facto marriage’ was abolished.<sup>121</sup> In 1959 ‘solemn ceremonies’ had been created to establish secular marriage ceremonies.<sup>122</sup>

In short, the State’s rejection of marriage as an absolute resulted in social harm to such an extent that the Russian revolutionary practice in creating ‘new families’ had to be completely reversed.

## The French Revolution

An earlier revolution also adopted similar policies to equate marriage and cohabitation. In the first years after the French Revolution, cohabitation – free union – was widely accepted and commonly practised.<sup>123</sup> In 1792 France passed a law establishing divorce by mutual consent.<sup>124</sup>

But social disorder followed rapidly. There is evidence that the casual ‘free unions’ caused significant numbers of women and children to be abandoned.<sup>125</sup> A police observer, concerned for working-class women, demanded a law to punish the men who had abandoned them.<sup>126</sup> Also, in one part of France “the number of first-born children conceived before marriage escalated from 19.1 per cent in 1781-90 to no fewer than 34.4 per cent in 1791-1800...”<sup>127</sup>

As early as 1793 the National Convention began to rein in divorce and in 1794 the leaders of France set out “to reaffirm... the family as the bedrock of society”.<sup>128</sup> Napoleon’s *Civil Code* of 1804 completed the reversal and made divorce much harder to obtain.<sup>129</sup> Divorce was outlawed altogether in 1816, after the restoration of the monarchy.<sup>130</sup>

# Conclusion

Creating same-sex marriage will fundamentally dismantle the Western legal tradition whereby marriage is accorded special respect and protection. It would undoubtedly weaken the institution of marriage.

The change would redefine marriage for everyone. There are 24 million married people in Britain and yet politicians are ploughing ahead, seeking to redefine marriage over the heads of the population.<sup>131</sup> One man, writing to his Member of Parliament, said:

“When my wife and I were married in 1982, we did this with great seriousness, aware that we were entering a respected, historically-recognised and socially pivotal, specifically-defined institution. Marriage was not merely a new administrative status – an umbrella group of relationships. The government’s proposals reduce the meaning of my own marriage”.

As commentator Brendan O’Neill has bravely said, homosexual marriage is being pushed by the liberal elite:

“The thing motoring the gay-marriage campaign, its political engine, is not any longstanding desire among homosexuals to get married or an active, passionate demand from below for the right of men to marry men and women to marry women. No, its driving force, the reason it has been so speedily and heartily embraced by the political and media classes, is because it is so very useful as a litmus test of liberal, cosmopolitan values.”<sup>132</sup>

Same-sex marriage is often advanced on the grounds of ‘equality’. But it is hard to think of any other example in society where people would claim discrimination for not receiving a benefit when they obviously do not fulfil the requirements. Marriage is fundamentally different to same-sex relationships.

It is like comparing apples and pears.

If the Government keeps the civil partnership scheme and introduces same-sex marriage, the courts will ultimately come to insist that heterosexuals also get the option of civil partnerships. Stonewall has estimated that this will cost £5 billion. But the overall financial cost of same-sex marriage is certain to be far greater. Redefining marriage in law would contribute to the further erosion of marriage in society – exacerbating family breakdown, which is already estimated to cost the UK at least £100 billion per year.<sup>133</sup>

But whatever the financial cost, the social cost of downgrading marriage will be much higher. Although cohabitation and liberal divorce cause serious problems for adults and for children, they do not change the nature of marriage itself. That is the radical change same-sex marriage would bring.

### **Marriage has always needed structural support**

Marriage is a voluntary union, but private choices to marry have public consequences. Society has an interest in promoting stable married families.

In the past the church, education, the media, social conventions and customs all contributed to a prevailing ethos in society which supported marriage.

In addition marriage has always needed structural support through the law and public policy. This was so even when marriage rates were at their highest and divorce was strongly stigmatised. Some of the structural supports for marriage are no longer there. Social conventions and public attitudes have also changed. There is now very little stigma attached to living together before marriage. Nevertheless, evidence published by the Government has revealed that those who cohabit before marriage are 60 per cent more likely to divorce within eight years of marriage.<sup>134</sup> A more recent 2005 study found that premarital cohabitation increases the risk of divorce by 71 per cent.<sup>135</sup>

Until comparatively recently the word ‘family’ has meant the married family. In the last few decades the definition has embraced lone parent households. It is still true to say that a large number of lone mother households (48 per cent) are created through divorce, separation or the death of a spouse.<sup>136</sup> Those families were created through marriage, although the spouses are no longer together.



Study after study finds that marriage is the best relationship for children and adults. Robust research is now proving that marriage is indeed the best.

One overview of the literature considering the effects of marriage on health found that marriage brings significant benefits for physical and mental health. The authors stated: “The size of the health gain from marriage is remarkable. It may be as large as the benefit from giving up smoking.”<sup>137</sup> A study of mental health across 15 countries found that marriage was associated with better mental health in both men and women.<sup>138</sup> In 2001 the then Government’s *Health Statistics Quarterly* reported an analysis of 30 years of data on men’s health. The study concluded: “Marriage was associated with good health.”<sup>139</sup>

But whilst the facts show that marriage is the best for adults and children, the legal distinctions between marriage and cohabitation have already been blurred in certain areas. For many years legal academics have pressed for the distinctions to be blurred yet further if not removed entirely. Famously, Brenda Hoggett, the family lawyer (now Baroness Hale) said in 1980:

“Logically, we have already reached a point at which, rather than discussing which remedies should now be extended to the unmarried, we should be considering whether the legal institution of marriage continues to serve any useful purposes.”<sup>140</sup>

Whatever Lady Hale may have thought in 1980, marriage has remained extremely popular. Most people marry and most marriages last for life.<sup>141</sup> A government study found that 80 per cent of young people expect to marry.<sup>142</sup> This is regularly echoed by surveys of popular opinion.<sup>143</sup>

But the institution of marriage is under pressure. In 2010 there were over 132,000 divorces in the UK.<sup>144</sup> Now is not the time to kick away what structural props remain for marriage. Marriage is already in danger of death by a thousand cuts, already losing structural support after structural support, and in turn holding fewer and fewer incentives.

## **Marriage – more than a relationship**

People today tend to think of marriage as a relationship. But marriage is not simply a personal choice. As has been said: “Marriage affects everything – what buildings we live in, who cares for us, why and how we earn, save and spend our money, whether we have children and how we bring them up. If you make it a matter of personal choice and nothing else, you privatise it. It is not merely a private thing.”<sup>145</sup>

Marriage is much more than a relationship. A man and woman enter into a God-given covenant. The marriage status is what enables the marriage relationship of love and care to flourish. It is not ‘the love which sustains the marriage’ but ‘the marriage which sustains the love’.

This goes strongly against the grain of modern thinking where the emphasis is on marriage being sustained by romantic love or physical attraction. As one author has said: “Such unions are often the most tyrannical of bonds because they depend entirely upon the partners keeping emotionally all the time up to scratch.”<sup>146</sup>

Marriage involves the ‘one flesh’ conjugal union of a man and woman which is intrinsically fulfilling. Sexual relations in any other context can never create the objective reality of a marriage.

Jesus taught that marriage would continue until the end of time.<sup>147</sup> Couples who fulfil the requirements of marriage will be genuinely married in the sight of God and of those close to them. But what the law says and what is true can be very different. Same-sex marriage is not in reality marriage at all. It enshrines a massive lie in law, which will be enforced with all the persuasive power of the State. The implications for the future of our society will be immense.

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# Redefining marriage

Same-sex marriage and its consequences



For thousands of years and in virtually all cultures marriage has always been the exclusive lifelong union of one man and one woman. Yet there is now pressure to redefine marriage in law to create same-sex marriage.

Redefining marriage would have serious consequences and would be imposed on the whole of society. Concerns are growing that the next step could be the legalisation of polygamy. There would be alarming implications for religious liberty.

Homosexual marriage sends out the message that having a mother and a father is not important for children. Familiar words such as 'husband' and 'wife' would be abolished in law and by government bodies. The new definition of marriage would be promoted in schools and by other public authorities.

Protecting the God-given covenant of marriage will always be important to Christians. Yet God gave marriage to everyone, not just Christians, to be the cornerstone of human civilisation.

Various arguments are used to seek to justify same-sex marriage. This briefing aims to help Christians respond. It explains why preserving the true meaning of marriage is vital for us all.

