

DRAFT

What has God joined together?

Jesus' good message about marriage for Australia

The same-sex marriage debate



Most Australians love Jesus' teaching that we should "do unto others". It's a good thing to do.

Jesus' teaching that "no man has greater love than that he lay down his life" is seen as a very good thing. You'll find it set in stone on lots of ANZAC monuments in our towns and suburbs.

And Jesus' teaching on marriage is something we all respect too: "What God has joined together, let no one tear asunder". We all somehow know that's right.

Jesus said that the way marriage has been from the beginning is that a man leaves his mother and father, he is joined to a woman and the two become one flesh. So faithfulness is a good thing. Enduring together is a good thing. And a partnership between people of the opposite sex is a good thing. We shouldn't tear apart a good thing that God has put together.

Once this was obvious stuff for Australians. Now Australians are hearing voices say marriage isn't about a man and a woman; that gender doesn't matter at all to marriage. A new definition of marriage is being put forward, that it's simply about two people who want to commit to each other. These advocates want the Government to change the definition of marriage in law so that can happen.

It's a big change. And it's a long way from the good picture of marriage given to us by Jesus and the Bible - that God gave marriage to men and women, for their own good, for the good of children and for the good of human society. If we love our neighbours we will want good things for them. So we should be prepared to speak up for God's good plan for marriage in the conversation our country is now having.

But how do we do this? How do we explain the relevance of God's pattern for marriage to a secular nation? What does the Bible really say about marriage? And how can we answer questions people have - especially from those who don't believe in God? What are the consequences for everyone if we don't speak and the definition of marriage is changed? This short booklet goes some way to helping Sydney Anglicans in the conversations we're having over the fence and at the school gate.

Bishop Michael Stead

Chairman of the Archbishop's Plebiscite Task Force

Questions your friends may ask

“Don’t LGBTI couples deserve equality?”

Every man and woman in Australia needs to know they’re equally valuable to God. This applies to LGBTI people just as it does for everyone else. So Christians are against any law that unfairly discriminates against an LGBTI person. We actively supported the Same-Sex Relationships reforms in 2008 because it provided equal treatment, such as with laws to do with superannuation. Minister Tanya Plibersek said at the time, “We removed every piece of legal discrimination against gay men, lesbians and same-sex couples on the statute books”.¹ It was the right thing to do for individuals. Today the debate isn’t really about discrimination – as Minister Plibersek says, the discrimination had been removed. It’s about changing the definition of marriage. And when that happens, it could actually create new forms of discrimination. That’s because marriage is a compound right: the right of two adults to commit to a binding union plus the right to found a family. The right to found a family introduces children. And those children have rights, too, such as the right of a child to be raised by their biological mother and father. As you’ll see later, that’s just one kind of right that can be negatively affected by same-sex marriage.

“If you oppose same-sex marriage, you are against equality.”

We’re for equality. We believe all people are made in the image of God. But equality is not found in the removal of gender diversity in marriage. All that does is devalue someone’s gender. Likewise, equality isn’t achieved by letting anyone marry in any circumstance. Even those pushing for same-sex marriage would not want marriage opened to children or close relatives or more than two people. As it is, marriage invites a single man and a single woman to enter into a lifelong commitment to each other.

“People opposed to same-sex marriage are just bigots.”

Bigotry has no place in a free, liberal society. And it’s completely unacceptable for Christians to be bigoted. A bigot is a person who is *“intolerant towards those who hold different opinions from oneself”* (OED). But to simply hold and voice a contrary view to others is not bigotry. Christians are not bigots because we respect other people’s views. We want to be respected as we share ours. If you ever feel silenced because of your view, it may be the other person who is being the bigot. Marriage is one of the most vital conservations we can have. So we should respectfully speak about it even if some Australians disagree with our view. That’s what being in a healthy democracy is all about.

“Who are you to tell me whom to love or who can be my partner?”

What happens in private is no one else’s business. Marriage, however, is a very public thing, so it’s not surprising there’s a public conversation about it. And because it is not just about a couple but affects the rights of children, it is important that the state takes an interest in that relationship. We are not telling people whom they can love nor with whom they can live in a de facto relationship. We simply believe what most people

through time have believed, that marriage is between a man and a woman.

“Isn’t this really about your homophobia?”

What we believe about LGBTI people is what we believe about all people – that we are made in the image of God and loved by him, and are also loved by his people. We are not in this discussion because we’re anti-anybody or anything. We’re in it because we are pro-woman, pro-man, pro-marriage, pro-family and pro- the common good.

“Marriage is between two people – what’s it got to do with anyone else?”

Marriage is defined by God as a lifelong, exclusive union between a man and a woman for the benefit of the natural offspring of that union and for the flourishing of human society. That’s in everyone’s interest. And it affects our common future because it’s between a man and a woman. It is inherently “conjugal”. It naturally allows for children to be born and to be raised by a mother and a father. Because that affects our common future, it’s something we should all be interested in.

“But marriage has changed before. Why shouldn’t it change now?”

In one way, that’s absolutely true. The question is, has it changed for the better? In 1975 the Federal Government changed the law to allow for no-fault divorce. The legal institution of marriage in Australia changed at that point and the result has been widespread infidelity and divorce. And this has come at a big cost – emotional, psychological and economic. We opposed those legal changes then, and we’ve been shown right to have done so. In the same way, we oppose the idea of “open” marriages (non-monogamous marriages), “throuples” (polyamorous marriages) and “same-sex marriages” today.



**BIGOTRY HAS NO
PLACE IN A FREE,
LIBERAL SOCIETY.**

“Kids are irrelevant to marriage because some married couples are childless.”

While not every marriage results in children, every child has a mother and father. Man-woman marriages have the potential for children. God’s design for marriage protects children by providing them with biological parents who, if everything goes the right way, will care for and nurture them.

“If God loves people, why would he be against what makes them happy?”

All people are made in God’s image, and of course that includes same-sex attracted people. God welcomes all people into his family. And Christians, when they’re doing their job, welcome all people into their fellowships – straight, same-sex attracted and those who struggle with their gender identity. The conversation isn’t about God’s value for individual people and everyone’s need for love. It’s about God’s good plan for marriage. The Bible teaches it isn’t for everyone. In fact, it teaches that it’s a good thing to be single. Jesus was. Paul was, too. They both lived great lives. But for those who do want to get married, they need to know that God intends it to be for a man and a woman, forever.

“Why does God have such a problem with gays?”

He really doesn’t. He does have a problem – and we see this throughout the Bible – with acts of sex outside of a man-woman marriage. In 1 Corinthians 6, homosexual sex is listed alongside adultery and sexual immorality. An adulterous relationship is not something that God blesses, and therefore is not a “marriage” recognised by

him (even if it is recognised by the State). The sexually active same-sex relationship likewise involves actions that God does not bless. God does not approve of men who are “inflamed with lust for one another [and] commit indecent acts with other men” (Romans 1:27), nor of “women [who] exchange natural relations for unnatural ones” (Romans 1:26).

“The Bible tells me homosexual sex is sinful, but never to judge others. How can anyone stay true to both?”

We should do it the way Jesus does. When he met a woman caught in adultery, Jesus neither *condemns* her nor *condones* her sin. Jesus challenged those who were about to stone the woman – “If any one of you is without sin, let him be the first to throw a stone at her”. When all her accusers had left Jesus said to her, “Neither do I condemn you”. But he does not leave it at that. His final words to her were, “Go now and leave your life of sin” (John 8:11). To be true followers of Jesus we must do three things. First, we must never condemn people but instead respond with grace, just as God has shown us all his amazing grace in forgiving our sin. Second, we must love people enough to warn them of the need to turn to God in repentance because there is a coming judgment. Third, we must urge anyone who has turned to Christ to leave a life of sin and to live in a way that is pleasing to the Lord.

“Won’t a public discussion about same-sex marriage lead to greater youth suicide?”

We certainly need to be careful about the kind of discussion we have. When Senator Penny Wong previously spoke in favour of the traditional definition of marriage (she has since changed her mind) she chose the following words: “On the issue of marriage I think the reality is there is a cultural, religious, historical view around that which we have to respect”.² These are calm, respectful words. They certainly aren’t homophobic, given that she is a lesbian woman herself. There is no evidence that public discussions overseas have led to an increase in LGBTI youth suicide. The Irish referendum points in the opposite direction, with the overall suicide rate falling in 2014-2015.³ LGBTI youth have nothing to fear from a respectful public discussion about same-sex marriage. This is an area where Christians really need to take the lead by modelling what a respectful debate looks like.

“Why do Christians keep talking about the consequences of same-sex marriage?”

Christians are people who care about the future, not just the here and now. There are some obvious consequences of changing the marriage laws, especially when it comes to children. For male same-sex couples, one of the main options for children is surrogacy. However, commercial surrogacy is illegal in Australia and in most other developed countries, which has led to a growing commercial surrogacy market in developing countries. In 2015, India had to enact legislation to ban foreigners from using surrogate mothers in the country. The potential for pay-for-baby arrangements has implications for the objectification and enslaving of women’s bodies. Introducing laws that provide for the increased use of surrogacy will, by their nature, facilitate the intentional severing of the parent-child biological bond. That’s where the talk of consequences becomes very real. We have to ask if it is fair on the child who will never know both of his or her biological parents.

“Why should Christians even be involved in this?”

Christians have always spoken up on social issues such as slavery, sex trafficking, poverty and refugees. The issue of marriage is a social concern to which the Bible clearly speaks and out of love for people in our churches, a number of whom are same-sex attracted, and out of love for our neighbours, we need to speak up.

“Isn’t same-sex marriage inevitable? Aren’t we behind the rest of the world on this?”

In the 1920s progressives proclaimed communism was inevitable in Australia. Then in the 1950s conservatives said a war on communism was inevitable. As it turned out, they were both wrong. No one knows the future. In the Asia-Pacific only one country (New Zealand) has introduced same-sex marriage. We’re hearing about it a lot because of what the Supreme Court decided in the United States. But we don’t have to go the way of America. We need to have an Australian conversation about this.



LGBTI YOUTH HAVE
NOTHING TO FEAR
FROM A RESPECTFUL
PUBLIC DISCUSSION
ABOUT SAME-SEX
MARRIAGE.

What God says about marriage

Marriage is a good gift from God, but it is not the only or ultimate “good” for society. All people are equally loved and valued by God, regardless of whether they are married or not. The Bible affirms the goodness of marriage but the fact that Jesus Christ lived a single life highlights the fact that singleness is also good. Whether married or single, it is important that we understand the God-ordained purposes of marriage.

God’s good plan for marriage

The opening chapter of Genesis explains God’s intentions for humanity:

“So God created mankind in his own image, in the image of God he created them; male and female he created them. God blessed them and God said to them, ‘Be fruitful and increase in number; fill the earth and subdue it’” (Gen 1:27-28).

God created humanity in his image as male and female. He gave them his blessing to fill and subdue the earth. The maleness and femaleness of humanity is necessary for this divine mandate to be carried out, since only a male and a female together can conceive offspring to fill the earth. God’s design is for children to be born and grow in secure and loving care within the context of an enduring union between a man and a woman.

Genesis 2 elaborates on the nature of this union between a man and a woman. A marriage is formed when a man and a woman leave their respective father and mother and unite together as “one flesh” (Gen 2:24). This is a beautiful way of describing the conjugal nature of marriage – it can only occur between the two complementary sexes.

This exclusive and permanent union of a man and a woman in Genesis 1-2 is God’s pattern for all marriages (Ephesians 5:31; cf. Genesis 2:24). It is the only relationship that can properly have the title marriage. It has been this way, as the Lord Jesus said, “from the beginning” (Matthew 19:8).

The teaching of Jesus

The teaching of Jesus Christ upholds the biblical understanding of marriage. When asked about marriage, Jesus quoted the Old Testament:

“From the beginning the Creator made them male and female... Therefore a man will leave his father and mother and be united to his wife and the two will become one flesh... Therefore what God has joined together, let no one separate” (Matthew 19:4-5, quoting from Genesis 1:27 and 2:24).

Here, Jesus affirms and endorses the understanding of marriage that unfolds in the Scriptures “from the beginning”. He upholds this in his conversation with the Samaritan woman at the well (John 4:4-26) – noting that, after five husbands, “the man you now have” cannot be considered her husband. Again, Jesus neither condemns or condones the behaviour, but does underscore God’s planned pattern for marriage.



JESUS AFFIRMS... THE UNDERSTANDING OF MARRIAGE THAT UNFOLDS IN THE SCRIPTURES "FROM THE BEGINNING".

Marriage after the Fall

Today, every marriage is marred by the events of Genesis 3. Human sin has fractured the unity between men and women. Consequently, husbands and wives are now prone to struggle against each other.

In the generations that followed the Fall the Bible shows marriages coming under greater pressure, evidenced by broken relationships, polygamy, infidelity and abuse. Even in otherwise “good” marriages the struggle for dominance continued to add strain to the institution of marriage (Genesis 27:5ff).

The spiralling breakdown in human relationships resulted in humanity turning aside from marriage to seek sexual gratification outside it, for example, through adultery, sexual promiscuity and homosexual sex. Each development significantly undermines our ability to live in ways that are pleasing to God. Marriage, which was a cause for unparalleled delight in the beginning, was compromised by multi-generational patterns of selfishness and a turning away from God’s purposes in how we are to relate to each other.

Marriage in light of the work of Jesus

Marriage remains a continuing “good” for human beings (though not the only or highest “good”), for God’s original purposes have not changed. All marriages also continue to be impacted by the ongoing effects of sin. Christian marriages, like all our relationships, need to reflect the grace, forgiveness and love that God has shown to us in saving us through his Son. Specifically, Christian husbands and wives are called on to model their marriages on the relationship between Jesus and his “bride”, the church.

“For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh.’ This is a profound mystery – but I am talking about Christ and the church” (Ephesians 5:31-32).

In practice, this means that husbands and wives must turn away from patterns of selfishness and dominance to love and serve each other in complementary ways, modelled in the relationship between Christ and the church.

For all people – Christian or not – marriage continues to be a place where human life can flourish. This is seen, firstly, in the potential of a husband and wife to conceive children and nurture them to adulthood. Secondly, the marriage commitment provides a secure context for meeting a couple’s relational, intellectual, emotional and sexual needs. Third, whether they realise it or not, their relationship serves as a reflection of the relationship between God and his people, Jesus and the church. The union of a man and a woman in marriage is so profound in God’s sight that it shapes his description of the culmination of his saving activity at the end of time (Revelation 19:6-10).

Man-woman marriage isn’t just for Christians

God created marriage for the benefit of all men and women, not just for believers. The God who made us knows what is best for human society and departing from his pattern often brings great damage to people. If we know that’s true, what do we do with that? If God’s plan for marriage is a good thing, do we just keep that in our own community, or do we impose it on the community? The answer is neither. We are called to love our neighbours and to be faithful citizens. That means sharing the good things we have. In a liberal democracy like Australia, we’re actually encouraged to share our point of view, to offer what will lead to everyone’s flourishing. We’re not going to enforce it. But we are going to do what the New Testament teaches – that we should



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graciously persuade. This often works at the level of social values. For example, part of God's plan for marriage is that "you shall not commit adultery". It is not a crime to commit adultery in Australia but there is a broad social consensus that "cheating" on your spouse is not a good thing. Christians should seek to maintain and support that consensus, because we believe that discouraging infidelity is good for *all* marriages.

The reason we should participate in the conversation about marriage is out of love for our neighbours. It is not loving to let our society do things which we know will be harmful to the institution of marriage, because marriage is good for people. Wherever you find yourself discussing the meaning of marriage and people know you're a believer, feel free to explain how God's pattern for marriage has been proven to be good for society. It makes sense for Australia to follow this pattern - not just because it is God's idea, but because it is good.

A good neighbour shares the good and warns of the bad

God's plan for marriage brings positive things for children and society. Even for people who don't believe marriage is a gift from God, the vast majority of Australians know that marriage brings good.

It's not surprising that, if we abandon God's good plan for marriage and define it another way, there will be consequences. And many of them may be negative. Christians have been way too silent on this. We can't be good neighbours and stay silent on the damage that can be done if we change the meaning of marriage.

Because we've been largely silent until now, most Australians are simply unaware of the consequences of redefining marriage - the consequences for families and children, the consequences of removing gender difference from our societal structure and the consequences for freedom of speech.

Let's look at those consequences and how we can talk about them with our neighbours - whether they're believing people or not.

The consequences for families and children

Sometimes you'll hear same-sex marriage advocates say they know marriage is a good thing, and they simply want to expand it to include same-sex couples. But that's not possible unless we fundamentally redefine what is commonly understood as marriage. It might surprise you that man-woman marriage is actually at the heart of United Nations documents about the family. Article 23 of the UN International Covenant on Civil and Political Rights declares:

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognised.

Marriage is a compound right, involving both the right of two adults to commit to a binding union and the right to found a family. Same-sex marriage can only fulfil half of this vision of marriage. The right to "found a family" is problematic for same-sex couples.

Same-sex couples and founding a family

While many same-sex couples in the media appear with children, it's actually pretty uncommon in Australian life.⁴ According to the latest available census data, 97% of male same-sex couples and 78% of female same-sex couples are childless.⁵ Undoubtedly, some same-sex couples have or want kids, but while children are the norm for heterosexual couples, they are not the norm for same-sex couples and especially not for male same-sex couples. In the 2011 census, the proportion of all children under 25 living in a family with a same-sex couple was 0.1%.⁶ "Founding a family" is not what is behind the drive to change the marriage laws for same-sex couples. This is not making any judgment about whether same-sex parents produce equally good outcomes for children as two biological parents. It is simply recognising the fact that children are not a priority for the vast majority of same-sex couples.

Consequences of removing "family" from the essence of marriage

In order for same-sex couples to share in marriage, the definition must be changed to remove "founding a family" from the essence of marriage and focus the definition on the rights of a couple. Australian Marriage Equality, for example, argues that, "Marriage equality is about ensuring all couples have access to the one legal institution known as 'marriage'".⁷

Marriage has to be redefined because of the pragmatic reality that the overwhelming majority of same-sex couples don't have children, and because of the biological reality that a same-sex couple can't have children without involving a third party.

Changing the law on marriage brings lots of changes with it. Many of the laws and customs that currently relate to marriage are there for the benefit of children. Once the meaning of marriage is changed, these children are put at risk if the laws and customs change.

For example, there is a societal norm that a couple will often get married to have children. De facto relationships often lead to marriage, because couples recognise that marriage provides a stable long-term relationship for raising a family. In Australia in 2011, 84% of couples were married and 16% were in de facto relationships.⁸ The great majority of children are raised by married couples. This just shows that, currently, our society values marriage as the normative pattern for establishing a family and raising children. But if we change the meaning of the institution so that founding a family is no longer of the essence of marriage, the way we value children will change, too.

Consequences for children in the future

While most same-sex couples aren't seeking marriage so that they can found a family, there will be some same-sex couples who'll want children if we make the change. But a same-sex couple cannot have a child without involving an external party (like a sperm donor or surrogate mother). Typically this child is systematically denied the right to be raised by one of their birth parents. This results in many complications and erodes the traditional family structure on which our society is based. For example, what rights does a child have to know her or his ovum or sperm donor parent and have ongoing contact with them? What are the rights of and long-term impacts upon a donor parent, and how binding should pre-natal contractual arrangements be if (for example) a donor parent changes their mind after the child is born? What are the long-term impacts on the child of being carried and then relinquished in infancy by a surrogate?

While some of these issues may also apply to a heterosexual couple using IVF, there is a key difference. A heterosexual couple using IVF is seeking to overcome a problem in the natural reproductive process. This is not the case for a same-sex couple. They simply cannot create a baby without involving a third party of the opposite sex.

Recognising same-sex relationships as "marriage" legitimates the right of all same-sex couples to equal access to assisted reproductive technology. In the case of male same-sex couples, this must necessarily involve the use of a surrogate womb, which further complicates matters. In most cases, a child of a same-sex couple will be deprived of access to one of their biological parents.

With other issues such as adoption we recognise the importance of children being able to discover their biological parentage. Yet surrogacy and potential changes in the law regarding what constitutes a biological parent (see next page) could make these discoveries far more difficult, if not impossible.

Consequences of removing gender from marriage

Marriage is a key social institution that has had – for all of human history – gender distinction at its core. It demands the participation of a man and a woman. To say that any two people can form a marriage means that gender no longer matters. Not just to that marriage, but, because we’re talking about a national law, it removes the significance of gender from all marriages. The removal of gender from marriage takes us towards a genderless society.

As noted above, the UN International Covenant on Civil and Political Rights declares that marriage involves “men and women of marriageable age” who marry and “found a family”. Those who advocate for same-sex marriage reject such a definition for being “heteronormative” and “discriminatory”. The campaign for same-sex marriage is not just about “marriage equality” but about the denormalisation of the kind of marriage relationship that is built on the gender differences between men and women and the biological complementarity necessary to create families.

Removing gender difference from marriage gives permission for that change to ripple out through the rest of our society. And, as our culture has started taking steps towards same-sex marriage, we’ve already seen moves towards devaluing gender. In the ACT, birth certificates can now be issued listing “Parent 1 and Parent 2”, “Mother and Mother” or “Father and Father”. The biological parentage of a child is obscured because sperm/ovum donors are not recognised as biological parents.

Removing gender difference from marriage also opens the door to the radical gender message of the Safe Schools material that gender is a non-binary, fluid concept. The campaigns for “marriage equality” and for the Safe Schools program have run side by side. The issues are seen as one in the public space, too. In June 2016 the co-founder of the Safe Schools Coalition, Roz Ward, was the lead speaker at the rally for “Marriage Equality Now, Safe Schools Everywhere”. If we don’t keep gender diversity in marriage, then we will see gender being devalued across society, starting with the way we treat and educate our children.

We believe that gender matters. We believe there is something amazing about women and something wonderful about men. And something amazing and wonderful happens when a woman and a man commit to each other for life. Because at the heart of this unity there is a difference and diversity. We believe having a man and a woman as husband and wife, who can then become a father and a mother, is not just good but essential to what marriage is. To change the meaning of marriage to two people of either gender whose union cannot produce children means we’ve really lost something.



THE REMOVAL OF
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Consequences for our freedoms

Redefining marriage will not give LGBTI couples any more civil rights than they currently have but it will put significant limits on the right to freedom of speech, conscience, association and belief for a substantial proportion of the Australian community.

We're yet to see the draft legislation being proposed for the new Marriage Act. It's *possible* it will include robust freedom protections. But unless we see those, we should expect the following areas of conflict between religious freedom and sexual equality.



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Weddings

Ministers conducting a wedding are the only people whose consciences both major parties are offering to protect. Civil celebrants may not be protected. Public servants at registry offices will not be given protection.

Wedding industry

It is unlikely there will be any conscience protection for the photographers, bakers, reception venues etc. who have a legitimate conscientious objection to using their artistic skills to help celebrate a same-sex wedding. Overseas experience indicates they are likely to face public shaming campaigns, discrimination claims and significant financial penalties.

Taxation and government funding

The potential impact of changes to taxation or funding are enormous. There are already calls for the de-funding of the chaplaincy program in high schools. Clergy tax benefits are regularly questioned. It is possible that taxation benefits or grant funding could be tied to equality compliance. If funding to schools were contingent on them complying with equality policies then a non-compliant school council may need to contemplate increased fees for a Christian stance at odds with many of the parental body.

Forced acceptance of same-sex marriage in church schools and organisations

This is something that same-sex advocates admit. In its submission to a Senate inquiry in 2012, Australian Marriage Equality acknowledged that one of the arguments against changes to the Marriage Act is that “religious welfare and child agencies will [be] forced to acknowledge same-sex married partners against their beliefs, and religious schools will [be] forced to teach that same-sex marriages are acceptable against their beliefs”. However, their submission concludes, “we do not support exemptions in the Marriage Act for [these] situations”, arguing that existing anti-discrimination legislation will provide sufficient protections for religious freedom.⁹

At the same time, however, supporters of same-sex marriage are actively lobbying for the removal of anti-discrimination exemptions for religious groups. For example, the NSW Gay and Lesbian Rights Lobby has argued that exemptions for a religious body from anti-discrimination legislation should be “relinquished as soon as that religious organisation accepted government funds, or, as soon as that religious organisation or body started providing social or welfare services”.¹⁰ The Greens campaigned on this issue in the 2016 Federal election.

If same-sex marriage passes, a push to remove perceived discrimination in other spheres gets further oxygen. The Greens have called for all “religious exemptions” to anti-discrimination laws to be abolished. Removal of these “balancing clauses” would undermine the freedom of religious groups and threaten their care for the most vulnerable and needy in society. The low cost of bringing complaints allows vexatious litigants to abuse the process for political gain.

The removal of existing provisions in anti-discrimination legislation that protect freedom of religion is likely to result in faith-based schools being forced to teach a view of marriage contrary to their religious belief or else give up all government funding. In 2014 Tim Wilson, the then Human Rights Commissioner, acknowledged the very real possibility that church welfare agencies “may face discrimination by government in not being able to bid for services if they do not shelve their religious practice to pursue secular objectives”.¹¹

Freedom of Speech

If same-sex marriage is legally enshrined in Australian law, anti-discrimination legislation will likely be used to silence those who continue to hold and promote the common view of marriage. This is already happening, at a time when the legal definition of marriage remains unchanged. In November 2015, the Tasmanian Anti-Discrimination Commissioner decided to proceed with a complaint against Archbishop Julian Porteous, the Catholic Archbishop of Hobart, because of a booklet he authorised for distribution in Catholic institutions in Tasmania entitled *Don't Mess with Marriage*, which taught that marriage was between a man and a woman.

After Australian Marriage Equality director Rodney Croome urged teachers and parents to make a complaint to Tasmania's Anti-Discrimination Commissioner about the booklet¹² Martine Delaney, an LGBTI activist and Federal Greens candidate, lodged a complaint against Archbishop Porteous on the grounds that the booklet breached Tasmania's Anti-Discrimination Act, which makes it an offence to insult, offend or humiliate an individual or group.

Ms Delaney withdrew the charge in May 2016 in the lead-up to the Federal election. But this case demonstrates the way in which anti-discrimination legislation can and will be used to silence dissenting views. Although it is likely that an amended Marriage Act will contain a specific exemption for religious celebrants allowing them not to conduct same-sex marriages there are, at this stage, *no* other protections for freedom of thought, conscience and religion. The growing characterisation of opposing same-sex marriage as “hate speech” should be alarming. If this view is accepted it will lead to corporate, media, social media, academic, legislative and judicial tightening of freedom of speech.

Freedom of association

Some universities have attempted to “no-platform” speakers and deregister groups



ANTI-DISCRIMINATION
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that don't endorse same-sex marriage. Churches that meet in local school halls have already been the subject of complaints by a human rights group for preaching from passages in Leviticus on homosexuality.

Professional accreditation

Canadian cases have questioned whether a Christian law school that has students commit to chastity outside marriage should be deregistered. Counselling and medical professionals are unlikely to be given a right of conscientious objection around these issues.

Child protection

In the UK potential foster parents' opposition to same-sex marriage has been held to constitute harm to foster children.

Security laws

Some UK politicians have said extremist disruption orders which were introduced to combat recruiting of youth by violent jihadists should be used to remove extremism of any form, including opposition to same-sex marriage.

Consequences around the world

In the UK, Canada and the USA we've seen negative impacts to religious freedom in connection with moves to change the marriage laws. In America, adoption agencies have closed rather than comply with state policies around same-sex families, and yes, bakers and florists have been taken to court for not supporting the new understanding of marriage. More worryingly, there are calls for large aid and welfare organisations to have their charitable status or government funding tied to their policies on marriage. Conservative ministries have had difficulty obtaining services and been the victim of public shaming campaigns, and Christian colleges and universities have been threatened with withdrawal of accreditation or funding for their opposition to homosexual practice. American states that have drafted religious freedom protection legislation have also been threatened with boycotts. University students have been removed from courses for expressing Christian beliefs.

Future conflict

Very few of us would have predicted the strength of the push to redefine marriage, even 10 years ago. We can't be naïve about the future now. We should expect growing legislative and judicial regulation of public spaces to enforce recognition of same-sex marriage.

The church is now out of step with the cultural elites on marriage. If the law changes, though, the church will find itself out of step with the law of the land. If that occurs then the law will be used to silence dissent. This would be the greatest threat to religious freedom we will ever have seen in Australia. Despite this, both major political parties are only contemplating minimal protection for religious freedom.

There are deep and often irresolvable differences over questions of politics, religion, gender and sexuality in this marriage debate. Advocates of both sides come to this with confidence in their convictions and won't see the law as the arbiter of what marriage should be. In the middle, of course, are many who are confused, unsure and feel conflicted. Unless and until the law changes, then the traditional Christian understanding sits easily alongside the law of the land. But if marriage is revised orthodox Christians would for the first time be out of step with the law of the land for their deeply held beliefs about marriage.

We have been accustomed to being able to participate fully in education, not-for-

profit and welfare sectors. We have been able to speak our beliefs freely and associate together and live out those beliefs. How will the law treat those disobedient citizens and groups who in good conscience cannot accept a revised, genderless marriage? There is a real risk the coercive legal power of the state will be used against those who hold to a traditional understanding of marriage. There are already growing conflicts between these new sexual equality rights and religious freedom rights. The state and courts will also be called upon to arbitrate, enforce and justify the legal position of aggrieved parties on both sides. More regulation and more litigation are likely outcomes.

What next?

We need to talk. We need to talk to each other. We need to think this through. We need to explain why we think God's gift of marriage is so good. To our friends. To our neighbours. To the LGBTI community and, yes, to members of parliament.

What we don't need to do is be naïve or alarmist. That helps no one. If same-sex marriage becomes law, it will still be under the hand of our sovereign and loving heavenly Father. And many of the changes above will not happen directly and immediately. Yes, there will be consequences after that. Same-sex marriage may well function as the breach in the wall that allows the flood of the equality movement into many new areas. The potential for serious threats to churches, schools, Christian organisations and people of faith is real and urgent. But we know there are millions of Christians who live under these very threats and worse around the world. We may soon be sharing in their struggle to live out the faith, without the freedoms we currently enjoy.

None of that has to happen, of course. No laws have yet been passed. And they don't have to. What does have to happen is a more sophisticated and robust discussion about living with our different points of view. How are we to live together with our deepest differences? How can civic discourse be promoted? How can we disagree well? These values of a classical liberal democracy are what will allow our message to be heard – that God's plan for marriage brings great good. And it's a good thing to hold on to it.

References

- ¹ See <http://www.abc.net.au/7.30/content/2015/s4243023.htm>
- ² Comment made on Network Ten, July 25, 2010.
- ³ See <http://nsrf.ie/statistics/suicide/>
- ⁴ For example, a recent Medibank ad selling health insurance said "We offer cover better suited to every kind of family", and showed 10 different family types, of which three were same-sex families. This is a 300× over-representation of gay families in Australia.
- ⁵ See <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2071.0main+features852012-2013>
- ⁶ See <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2071.0main+features852012-2013>
- ⁷ See <http://www.australianmarriageequality.org/werewaiting/>
- ⁸ Statistics from a custom query on "Relationship in Household" (RLHP) from the Persons and Relationships table of the 2011 Census data.
- ⁹ See AME submission to the Senate Legal and Constitutional Affairs Committee Inquiry Into Marriage Equality Amendment Bill 2010, <http://www.aph.gov.au/DocumentStore.ashx?id=54fa4902-e594-4335-92e4-a7f2920435aa>, pp.60-61.
- ¹⁰ See NSW Gay and Lesbian Rights Lobby, submission to the Australian Human Rights Commission's Consultation on Protection from Discrimination on the Basis of Sexual Orientation and Sex and/or Gender Identity, http://www.humanrights.gov.au/sites/default/files/content/human_rights/lgbti/lgbticonsult/comments/NSW%20Gay%20and%20Lesbian%20Rights%20Lobby%20-%20Comment%2094.doc, p.15.
- ¹¹ See <https://www.humanrights.gov.au/news/speeches/forgotten-freedoms-freedom-religion>
- ¹² See <https://www.australianmarriageequality.org/2015/06/24/media-release-church-school-marriage-booklet-likely-violates-anti-bias-law/>