

# Marriage is Discriminatory

## INTRODUCTORY MATTERS

### Some Disclaimers

I wish to start by making some disclaimers. Firstly that I today I do not speak on behalf of the Anglican Church, for the Diocese of Tasmania, for St. David's Cathedral or even my wife. Rather today I am speaking simply as a Christian thinking aloud about a matter of social importance, in the hope that it will help others to continue their own thinking.

### Qualifications to speak

I should also say that I do not claim to be an expert ethicist, fabulous philosopher, theoretical theologian or constitutional lawyer. But I have been married to Georgina, my wife for 20 years, I have been involved in preparing hundreds of couples for marriage during 15 years in ministry as well as helping couples and individuals going through relational difficulties and failures.

### Difficulties in speaking on this issue

Lastly I am also well aware that in speaking about marriage it is a very sensitive and often painful subject. There will be people here who carry hurts due to not being married, due to the untimely end of marriage or due to current difficulties within marriage. There are also those who may feel hurt with what I say because they will not agree. I hope I will not unduly hurt anyone today as I seek to explore the important topic of marriage.

## MARRIAGE IS ...

Marriage is a fine and esteemed institution, but as Groucho Marx famously said, who wants to live in an institution? It is interesting that as I searched around for some quotes for this talk that most of the quotes about marriage were either so sickly sweet as to be unpalatable or ultimately very derogatory about marriage.

But the latest criticism of marriage is that it is discriminatory, that some are locked out of wedlock. Marriage maybe an institution but some do not like the door to the institution being shut to them.

So our local Federal Member, Andrew Wilkie said in a press release "... in Australia we still have legislated discrimination in the Marriage Act and that is unacceptable. (Andrew Wilkie Press Release October 22, 2010.)

A later press release read:

"...it was not fair that the law was treating some lovers as second-class citizens simply because of the people they wanted to marry were the same sex. "However for me this important issue is not just to do with same-sex marriage," Mr Wilkie said. "It's about equality; that everyone, regardless of their gender, race, sexual preference or religion be treated the same under Australian law." Mr Wilkie said the legislated discrimination in Australia's marriage laws could be compared to other historic examples of discrimination in Australian history. "If you were living in Australia a little more than 100 years ago and you were a woman, you could not vote," he said.

With a slightly different take gay activist Somali Cerise, a few years ago agreed that the issue is discrimination, "marriage is not something that a lot of gay and lesbian people want, but the fact that we don't have the choice if we want it is the problem." (Quoted in *What makes a Marriage*, SIE 12)

Marriage then as it has been usually understood is discriminatory and it is a matter of inequality.

And in a way I agree with them, marriage is discriminatory, there issues of inequality but for me not in relation as to who can get married, but what marriage is. Marriage is in its very nature discriminatory.

### **MARRIAGE IS SELF GIVING FOR LIFE**

At the heart of all marriage services are the promises of commitment. In the Anglican service those promises are to take your partner for better for worse, for richer for poorer in sickness and in health. As I often point out to couples the *for* rather than *or* is important, marriage is not multichoice, only taking someone for better, richer and in health, but in all the seasons of life. Furthermore in the giving of rings it is said "with all that I am and all that I have I honour you". All that we are, our talents, riches and time are to be given to build up the partner.

At the heart of marriage this is self giving for the sake of the partner, for the honour of the partner. We are promising that from this time on whatever may happen we will positively discriminate on behalf of our partner over all others and even against ourselves. To put it in the language of equality but to misquote George Orwell we will treat our partner as more equal than others.

The Bible puts this in terms of the committed love of marriage being modelled on the self giving, self sacrificial love that Jesus showed in his care of others and which ultimately took him to the cross. The apostle Paul views this in terms of mutual submission of the marriage partners, the wife in terms of service, the husband in terms of self giving (Ephesians 5)

#### **Practical Example**

What might this look like in practice.

In a previous parish I had the privilege of taking a funeral for a man named Bill Hughes. I had come to know him through taking his wife's funeral a few years before and I used to visit him about once a month. He was a fascinating man, who had been a pilot during WWII, flying Spitfires during the Battle of Britain, and later Mosquitoes in Burma. I loved to hear him speak of his experiences, I am sure that I got more from the visits than he did.

One thing that shone through was that he loved to fly, he had never flown prior to the war but then it became his life, and his house was a testimony to it with books and models of planes and memorabilia. He was thrilled then when after the war he went to work for Qantas. He was one of the pilots who picked up the first Constellations aircraft which flew the international routes in the late 40's.

But it became obvious to him that this was not a life style that was good for his wife, she wanted to him to be at home with him. So despite his great love of flying, he left Qantas to be an assistant in a bookshop. And they were together until death did them part. I have enormous respect for Bill not because of his service to his country but because of his example of true love for his wife, and his servant love of his wife is an example how marriage is about discriminating against yourself for the benefit of your partner.

Many I suspect in our society would say that this man gave up too much for his wife, for his marriage. He denied himself, his own person, what was an important part of who he is. But for me that is exactly what we are talking about with marriage.

Unless we are at core of our discussion on marriage we talking about relationships that look like this, where each of the participants is putting the needs of their partner above their own, where they will choose to discriminate against their own

wants and desires for the sake of their partner, then all we are arguing about is a label, and it is not marriage.

### **“Marriage” not the same as “wedding”**

I realise that so far we have not dealt at all with who should or shouldn't get married but it is far more important to consider the nature of marriage first and the depth of commitment.

Sometimes in the current debate, the nature of marriage gets lost and it appears as if what is really at issue is “weddings”. We see this in headlines such as one recently in the Mercury: “\$100 million Gay Marriage Bonanza” (24/2/12) speaking of the financial benefit for the State if same sex weddings took place here, or “Tasmanian champion axeman David Foster says he would like the chance to walk his gay daughter down the aisle.” (14/9/11)

Of course there is the most intimate relationship between weddings, celebrations of commitment and marriage but they should not be confused, and we cheapen marriage enormously when we do.

I regularly have to remind my couples that their wedding is for a day, their marriage is for the rest of their lives. But so many seem to forget this and seem to believe it is all about the dress, the video, the party.

It is perhaps no surprise that as more and more focus, time and money is put into the wedding that the divorce rates go up. The wedding industry could be seen to provide clients for divorce lawyers. All this is evidence that weddings are very popular but the reality of marriage and denying of self that goes with it is not. People are happy to pay the cost of wedding but not the personal cost of self giving in marriage.

### **Marriage is unnatural anti selfishness**

In part the reason for this is that the kind of love that is required in marriage is not natural. Both sides of the redefinition of marriage debate speak of nature, of that which is natural of that which goes against nature, but the kind of love which is needed for marriage is ultimately unnatural.

For love within a marriage cannot be based on feeling. The belief that we should trust our feelings and emotions as a guide and resources in our relationship is perhaps the greatest fallacy of our age and it leads to great disillusionment. M. Scott Peck, in his well known book “The Road Less Travelled” spends much time disabusing this notion. If love is a feeling then we will only love when we feel like it, and that will mean that often we will not love, or the object of our love will change in tune with our feelings.

Here is a challenge to what we think of love and if we are honest the way that we act in love. Because often what we think of as love, especially when based on our feelings, is actually focused on ourselves. Tony Walter, a British Christian sociologist wrote a provocative little book called “All you love is need.”

So much of what goes for love in our society is actually about having our own needs met, it is self focused and self centred. This may be natural but it is not true love. So often when we say “I love you” we are actually saying “please love me.”

We need I believe as a society to recognise the dangers of such selfishness to our relationships and indeed our society. So many marriages have been ruined by selfishness and are ended because that is easier than dealing with learning to truly love. Partners are done away with because “we have grown apart” or they are traded in on a younger model. Whilst the changes to the Family Law Act in 1975 may have been necessary it has had the effect of changing the understanding of marriage from “for life” to “till whenever.”

The Church, in entering into the debate on marriage redefinition, needs to call all those involved in marriage back to the meaning their promises of commitment. This is not a wish to return to the good old/ bad old days depending on how you see it but few could argue that the relational carnage around is good for our society either

now or into the future. Many studies have shown the emotional and financial cost of the ongoing fracturing of families. It is a cost that we will have to bear into the future and we need to address it now.

Whatever position we may take in the redefinition of marriage debate it is important that all of us are *for* marriage and commitment in relationship, to strengthen and support people in their marriages to undertake the unnatural task of continuing to love their partners.

### **Looking more widely**

If we can encourage such outward thinking it may help us to see that most of the current debate is based around the issue of our wants, a certain group wants the opportunity to be married.

For most of human history marriage has not been about what people want but of need: the necessity for stability and for children to care for the older ones as well as the continuity of the community. "Wants" had very little to do with it, it was part of a bigger picture, marriage was about the whole community, and the good of the whole community. Even love had little to do with it, you learned to love the person you married rather than to be married to the person you love. The redefinition of marriage based on "wants" is a further sign of the self absorbed even obsessed state of our society. The challenge is then to help create a community where we think outside of ourselves.

If we are to think outside ourselves we need to ask what are the best kind of relationships for our culture as a whole? Now traditionally it has been understood that the best kind of relationship for the wider society is that of a man and woman, to the exclusion of all others as a secure relationship for the producing and rearing of children. Each aspect of this understanding has come been reconsidered in recent years but such relationships remain important I would say vital, for they remain the most common and best means of creating a stable society now and of providing a suitable environment for the raising and development of children into the future. If that remains true at least in part then we should seek laws and structures which support, honour and uphold such relationship, which discriminate in its favour.

As the UK Christian ethicist Jonathon Chaplin puts it, 'the question of who may be 'married' 'cannot be reduced to whether another extension of individual rights is merited in this case. Rather, participants in the debate must confront the question whether marriage, and family, have an enduring structural character that must be reckoned with before courts or legislators rush to judgement on the so-called "rights" question' (Quoted in A Cameron, SIE 76)

To say this is not to devalue other relationships or feelings but simply to recognise the important place that this gender complimentary, exclusive, procreative child rearing relationship has had and will continue to have

Historically such a relationship has been called "marriage and I can see no compelling reason to change it.

### **A Christian Standpoint**

This of course will be no surprise that a Christian minister should come to such a conclusion. But I have tried to move towards such a conclusion without using necessarily Christian arguments.

But these too should be mentioned. All too often Christians have argued against marriage redefinition from the ground of Christian sexual ethics. Now I believe the Bible is quite clear that God's intention for sexual relations is to be between a man and a woman within marriage. This may not be popular but I believe that this clearly is the teaching of Scripture. Sadly however Christians have all too often promoted this idea in a sanctimonious way which has simply condemned those who do not live that way. However such sins are listed in the Bible along side envy, greed and lying and Jesus' teaching on the lust makes it hard for any of us to be self

righteous. Jesus said let those without sin cast the first stone and the Church is hardly in a position to be throwing stones any time soon.

Certainly any way that Christian teaching has been used to promote hate of others is to be particularly condemned. And for any here who have felt experience of such hate from those who claim to speak as Christ's followers I ask for your forgiveness.

But rather than promote marriage through the path of biblical sexual ethics the biblical teaching on marriage itself is enough. I was once sent by a liberal friend of mine a diagram of marriage according to the Bible, and it was a very confusing picture, with marrying cousins, multiple wives, concubines and so on. Whilst the example of marriage in the Bible provides a wide, perhaps alarming variety, the teaching in the Bible is consistent from the first page through Jesus and the rest of the New Testament. "For this reason a man shall leave his Father and mother, be joined to his wife and they will become one flesh." Here we see that it is about a man and woman united, and they become one flesh, not just a description of physical love but of the creation of a new family to carry on God's creative purposes.

That is God's purpose for marriage and I do not feel at liberty to, or in good conscience countenance any change it, and I, for God's sake, would encourage our society not to either.

### **THE PROBLEMS OF DEFINITIONS.**

In closing it is perhaps worth us returning to the beginning and the charge that marriage as I have sought to defend it is discriminatory and so there is some ethical push indeed mandate to change it.

#### **Is the marriage act discriminatory?**

Firstly we need to recognise that same-sex couples currently enjoy equitable treatment in all aspects relevant to de facto couple status and some States provide public recognition and affirmation of their relationships. The Anglican Church in Tasmania has welcomed such moves to equality and justice.

There then is no economic or social benefit to be gained for same sex couples in redefining marriage, it is purely an issue of ideology, what some same sex couples want. As I have argued above is this a good enough reason to change the law.

We also should recognise that many homosexuals do not want such a redefinition of marriage. Dennis Altman, a homosexual activist has said:

"Same-sex partnerships are as valid and as significant as heterosexual ones, but they are also different, and maybe we should celebrate, not deny that difference."

<http://www.australianmarriageequality.com/wp/2011/02/02/same-sex-marriage-just-a-sop-to-convention/>

An equal but different approach and certainly not one that sees such a change as ethically necessary or even desirable.

#### Gay people can get married

Provocatively I can affirm that there is nothing in the current Marriage Act which stops a homosexual from getting married. I have to ask if they are previously married and whether they are related to their partner but I do not have to ask if they are homosexual. As long as they marry someone of the opposite sex they are free to marry. Certainly many homosexuals have got married, I know some. There may be many reasons why they did that, some good, some bad, but I simply point this out to show that people are not excluded from the Marriage Act due to their sexuality.

The definition of marriage excludes no one from accessing the provisions of the act but it does proscribe who a person can marry.

Now Andrew Wilkie compares this situation to when women were not allowed to vote. His proposed solution of changing the definition of marriage is equivalent to

solving the issue by changing the understanding of voting. It would be like saying it is restrictive to only vote for the names that are on the ballot, why not vote for someone from another state, another country, or perhaps even for yourself, vote for whoever you want and we will call that voting.

Whilst in a sense an absurd illustration, my point is that we did not solve the issue of women not being able to vote by changing the definition of what it meant to vote, rather we made sure that women had equal opportunity to participate in our common life. In what way are homosexuals denied participation in our common life by defending the current definition of marriage?

#### The marriage would remain discriminatory

We also need to recognise that even if the most radical of proposed amendments to the Marriage Act were passed by the parliament it would still remain discriminatory as that word is currently understood. It would still discriminate against those who want to have a marriage of a man and 2 women, or a woman with 3 other women, or man with a teenager, a son and his mother. On what basis can we discriminate against the wishes of such people?

There are already moves in jurisdictions that have approved redefined marriage to legislate for polygamy and incestual relationships. If that is what people want who are we to stop it, and on what logic can we stop further reform? I do not wish to be misunderstood here, I am not equating those homosexuals who wish to live faithfully with each other with these other kind of relationships but simply to point out that the same logic of non discrimination and equality can be used to justify marrying who ever people want to.

If we follow such logic that people should be able to marry who they want, then marriage means whatever we want it to, which eventually would mean that marriage would mean nothing at all and that would be a true tragedy.

#### **The issue of change of meaning**

When those who oppose marriage redefinition make such arguments we are often accused of *definitionalism*, which makes a change from the usual epithets that are used. That is we are accused of making a definitional mistake that meanings of words are fixed, and that we do not recognise the fluidity of word meaning.

Their argument goes "marriage" may have meant the union of a man and woman to the exclusion of all other voluntarily entered into for life, but it can come to mean something else and that is OK as words change their meaning all the time. Then a parade of words that have interestingly changed their meaning over time are given, of which of course "gay" is a prime example. Hence it is OK for the meaning of marriage to change

But there is a problem with this it fails to distinguish between the word and the reality to which it point, between the sign and the thing signified. For instance to use another topical example if we were to become part of the State of Victoria, perish the thought, we would still need a word to describe the reality which the wonderful Island of Tasmania. Tasmania would not disappear because it was redefined. A change in the meaning of the word "gay" does not mean that people stopped being blissful or happy.

Likewise, men and women will continue to bind themselves together in lifelong, sexually exclusive, children producing arrangement and we will continue to need a name for it.<sup>1</sup>

I suggest that we be discriminating and call it marriage to the exclusion of all others.

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<sup>1</sup> Borrowed from Andrew Cameron SIE 76