



SPUC position paper on same-sex marriage

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This document explains why SPUC, as a pro-life campaigning organisation, campaigns against same-sex unions

In brief:

- Marriage - the permanent, exclusive union of one man and one woman - is the basis of the family, the fundamental group unit of society. Upholding marriage is therefore in everyone's interests.
- Marriage as an institution protects children, both born and unborn. Statistics show that unborn children are much safer within marriage than outside marriage.
- Same-sex marriage lacks basic elements of true marriage e.g. the complementary sexual difference between spouses necessary for the procreation and healthy upbringing of children.
- Same-sex marriage represents an attempt to redefine marriage, thus undermining marriage. This undermining lessens the protection for unborn children which true marriage provides.

Why is same-sex marriage relevant to the pro-life cause?

The family is the first and vital cell and source of human society, and is therefore a pre-political institution. The family is based upon marriage, the exclusive relationship of

a man and a woman, voluntarily entered into for life.¹

Since the family is the fundamental group unit of society, the stability of society and well-being of its members are inextricably linked with the good of natural marriage. SPUC cannot stand by as marriage, which exists precisely because new life stands in need of parental love and nurture, is radically undermined by political bodies which should instead defend this natural institution.

Weakening marriage is in no-one's interests. Strengthening marriage is in everyone's interests: the moral environment in which children are conceived and grow up will have a lasting effect on their stability and happiness – and indeed on their survival. Abortion figures reveal the importance of marriage as an institution oriented towards the care and protection of children: in the UK babies conceived outside of marriage are about 4-5 times more likely to be aborted than those conceived inside marriage. Children after birth face greater risks of harm in non-married situations.²

What is special about heterosexual marriage?

The human body expresses the person in all his/her inherent dignity. The body is not a mere appendage or instrument of the person. We are embodied human beings whose inherent dignity is the basis for our natural rights and responsibilities.³ That is why pro-lifers have always insisted on defending the human rights of the weakest and most vulnerable members of society.

As embodied beings our identity is grounded in our body's sex - male or female. Our bodies have a complementary meaning: a meaning that goes beyond the merely physical. This meaning relates to the kind of sexual union which is only possible between a man and a woman who, in performing a sexual act structurally open to procreation, are able to unite in a unique way.

Isn't marriage just a religious institution?

No. Marriage is a fundamental good of human beings and a natural institution (see above). While different religions honour marriage and some raise it to a sacrament, they do not thereby deny that it is an institution natural to human beings – a basic human good. People of faith and those of no faith can and do agree on this.

The State has a strong interest in the welfare of children, hence its recognition of marriage. Other relationships, such as close friendships, are not regulated by the State (and are not permanent or exclusive). The reason why the marriage institution is a permanent, exclusive relationship supported by the State is that the State has an interest in protecting children's welfare and their sense of identity.⁴ There is a reality prior to choice, contrary to the views of pro-choice individualists, which our choices should respect.

But don't many children grow up without a mother or father? Don't single parents do a good job?

Yes, many single parents do an excellent job against the odds, but that is no reason to promote fatherless or motherless families as good for society or equal to families with a married mother and father. An increasing body of robust research shows that children do better when brought up by their biological father and mother who are committed to each other in marriage.⁵

Marriage is not just a private affair or contract: it is about society's commitment to the future in the form of its children. Mothers and fathers are both involved in the

child's conception: neither is dispensable or a mere substitute for the other. Society has a compelling interest in encouraging both parents to remain involved in bringing up their child.

Isn't love and commitment what counts? Shouldn't we have same-sex unions (civil partnerships) and same-sex marriage so as to recognise this?

Marriage is certainly about love and commitment - but of a quite distinctive kind. If marriage were only about close sexual/emotional ties there would be no reason to deny State recognition to heterosexual relationships between close relatives or multi-partner arrangements such as polyamory. Marriage is a very specific kind of shared life which is valuable in itself and as providing the natural context in which children are conceived and raised. Marital sex is a natural uniting act which allows for the conception and loving upbringing in children (even if many marriages are infertile). It has an objective meaning not dependent on human convention, but bound up with our nature as embodied beings.

Same-sex unions, such as civil partnerships in the UK, were in effect designed as - and are seen by many as - quasi-marriages (for example, they allow a couple legally to adopt, and close relatives cannot form civil partnerships).⁶ It is not unusual to hear the civil partners of famous persons referred to as husbands or wives. If in the future the law permits same-sex unions to be performed via religious ceremonies, this impression will be strengthened.

Marriage as an institution exists to protect the identity of children and their right to know and be nurtured by both their mother and their father. There is no direct relationship between any same-sex union and a child – any more than between a non-sexual union (for example, a union of friends or siblings) and a child. Necessarily, one or both parents will come from outside

the union. Even if at some point in the future it becomes possible to produce a child genetically related only to two men, or only to two women, such a scenario can only be seen as the worst possible form of instrumentalising of the child, a human person with the right to be conceived in the loving embrace of his or her father and mother.⁷

There is no reason why the State should endorse and promote homosexual partnerships. There is no evidence that such partnerships are of benefit to those involved (given the much higher incidence of promiscuity and physical and mental health problems among homosexual people⁸) - let alone of such benefit to society that they must be raised to the level of marriage.⁹ It is not neutral for the State to regulate - and therefore endorse - homosexual partnerships; rather it is the State taking a highly politicised view of the nature and purpose of marriage and effectively seeking to dilute, denature and completely redefine what is in fact a natural and primary institution. The natural family, which is based on marriage, is a pre-political institution that forms our very sense of self and of the common good. The fundamental group unit of society is not the State; it is the family based upon the marriage of a man and a woman. The State has a duty to serve and protect natural marriage and recognise its primacy, not redefine it.

But isn't that 'homophobic'? Isn't it unfair to homosexuals?

It is not unfair to treat different types of relationship differently: marriage is a timeless natural institution with a crucial social function which cannot be redefined at will. Many people who experience same-sex attraction¹⁰ nonetheless recognise that marriage has a distinct and objective purpose which is not just about the sexual choices or subjective emotions of adults, but also concerns the welfare of children and the stability of society. Even among

those with same-sex attraction there is some opposition to same-sex marriage and State recognition of homosexual partnerships.

How will same-sex unions (civil partnerships) and same-sex marriage affect heterosexual marriage?

In the very act of achieving State endorsement of same-sex marriage or civil partnerships their advocates would radically change the legal meaning and cultural perception of marriage. We would no longer be talking about the same thing. And the confusion would in the end be very harmful to social discourse and stability.

Changing the law would weaken the idea that marriage has an intrinsic link with children and therefore with permanence. The rights and interests of children are paramount and fundamental to marriage. It is mistaken to suggest that the intrinsic complementary sexual difference of men and women, with its natural link to procreation, is irrelevant to the idea of marriage. The body is not a mere instrument for satisfying adult desires but is imbued with sexual polarity long before desire of any kind is experienced. Bodies have a meaning prior to sexual experiences. That meaning relates to loving union and the possibility of natural procreation; that is, the generation of new human beings and their welcome and nurture.

Societies throughout history have recognised the importance of natural marriage and understood it as a unique bond between man and woman. To recognise the unique nature of marriage and treat it accordingly does no injustice to anyone, whereas redefining marriage by fiat seeks radically to alter the nature and meaning of a fundamental institution – an institution which protects children born and unborn.

For more information on the subjects raised here see SPUC's website: www.spuc.org.uk

Endnotes

¹See Article 16 of the Universal Declaration of Human Rights, "Men and women of full age ... have the right to marry and to found a family. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

²Office for National Statistics, *Conception statistics, England and Wales, 2008*, table 3 and table 4 (23 November 2010), at <http://www.ons.gov.uk/ons/rel/vsob1/conception-statistics-england-and-wales/2008/index.html>. See A.J. Sedlak et al. *Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress Executive Summary* (Washington DC: US DHHS, 2010): "Children living with their married biological parents universally had the lowest rate, whereas those living with a single parent who had a cohabiting partner in the household had the highest rate in all maltreatment categories. Compared to children living with married biological parents, those whose single parent had a live-in partner had more than 8 times the rate of maltreatment overall, over 10 times the rate of abuse, and nearly 8 times the rate of neglect." p. 12.

³See the Preamble to the International Covenant on Civil and Political Rights (UN 1969): "Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Recognizing that these rights derive from the inherent dignity of the human person ..."

⁴Where the right of a child to his or her identity is concerned, the Convention on the Rights of the Child (UN, 1990) has much to say. That Convention clearly states in article 3(1) that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." Article 7(1) requires that the child "shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents." In article 8(1) "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference" and article 8(2) further requires that "where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity."

⁵The evidence for this is overwhelming. Readers can access a short paper on the subject here: www.winst.org/family_marriage_and_democracy/WI_Marriage.pdf and follow up the papers cited therein. See also Kristin Anderson Moore et al., "Marriage from a Child's Perspective: How Does Family Structure Affect Children, and What Can We Do About It?", *Child Trends Research Brief*, June 2002, at 1-2, 6, available at <http://www.childtrends.org/files/MarriageRB602.pdf>.

⁶See J. Humphreys, "The Civil Partnership Act 2004, Same-Sex Marriage and the Church of England", *Ecclesiastical Law Journal*, January 2006 (available at <http://www.sarmiento.plus.com/cofe/humphreys.htm>). for some reflections on this and other features of UK civil partnerships, such as the extension of the term 'in-law' to relationships by reason of civil partnership and the potential for such a partnership to

be voided on the grounds that at the time of its formation the respondent was pregnant by some person other than the applicant.

⁷Already, same sex couples, like heterosexual couples and single women, make use of techniques such as donor insemination to conceive children one of whose biological parents will not act parentally towards them. In Spain in 2006 the head of Spain's Civil Register reported that Spain was creating new birth certificates where the terms 'father' and 'mother' would be replaced by 'Progenitor A' and 'Progenitor B'. As philosopher Brenda Almond commented: "The idea that a child's birth certificate should report a child's actual biological parents is increasingly becoming a thing of the past". (*The Fragmenting Family*, Oxford: Clarendon Press, 2006, p.167). For some accounts of the experiences of donor-conceived offspring, see *Who am I? Experiences of Donor Conception* (Leamington Spa: Idreos Education Trust, 2006); and the report of the Commission on Parenthood's Future *My Daddy's Name is Donor*, at www.familyscholars.org.

⁸See e.g. Paul Van de Ven et al., "Facts & Figures: 2000 Male Out Survey", p. 20 & Table 20 (National Centre in HIV Social Research, Faculty of Arts and Social Sciences, The University of New South Wales, February 2001); Neil Whitehead, "Homosexuality and Co-Morbidities: Research and Therapeutic Implications", *Journal of Sexuality*, 2 (2010), cit. Philip Sutton, "Who Am I: Psychological Issues in Gender Identity and Same Sex Attraction", *Fertility and Gender* (Oxford: Anscombe Bioethics Centre, 2011), p.88. Whitehead comments: "People reporting SSA have a more widespread and intense psychopathological burden than probably any other group of comparable size in society, though college-age people may have more substance abuse...Surveys in recent literature suggest objective discrimination is not to blame for suicidality, but perceived discrimination...[P]articular emotion/avoidant based coping mechanisms used by people reporting SSA almost entirely account for the effects of this perceived discrimination". See also Theo Sandfort et al., "Sexual orientation and mental and physical health status: Findings from a Dutch population survey," *American Journal of Public Health*, 96, 6 (2006): 1119-1126; Stephen Gilman et al., "Risk of psychiatric disorders among individuals reporting same-sex sexual partners in the National Comorbidity Survey," *American Journal of Public Health*, 91, 6 (2001): 933-939; Susan Cochran, Greer Sullivan, Vickie Mays, "Prevalence of mental disorders, psychological distress, and mental health services use among lesbian, gay, and bisexual adults in the United States", *Journal of Consulting and Clinical Psychology*, 71, 1 (2003): 53-61. In countries noted for tolerance or endorsement of homosexual behaviour there does not appear to be any significant change in the incidence of psychological disorder – see Sandfort (above) and also David Fergusson, John Horwood, Annette Beautrais, "Is sexual orientation related to mental health problems and suicidality in young people?," *Archives of General Psychiatry*, 56, 10 (1999): 876-888.

⁹Moreover, such partnerships are often treated by the partners as 'open' or 'trial' marriages'. The presumption of fidelity that is present in traditional marriage is not clearly carried over into civil partnerships – see <http://www.sarmiento.plus.com/cofe/humphreys.html>.

¹⁰Many who experience same sex attraction are as committed as anyone else to a traditional view of marriage – hence the existence of support groups such as Courage and the EnCourage Trust.



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