

There's far more to

**marriage**

than just a word.

# What is the Referendum Debate About?

The forthcoming marriage referendum will ask how our Constitution should define the meaning of marriage. It will ask whether marriage as we know it should be radically redefined in order to permit two men or two women to marry each other.

Currently the Irish Constitution recognises that marriage is a union of one man and one woman. The Constitution also pledges to “guard with special care the institution of Marriage” because the family based on marriage is “the natural primary and fundamental unit group in society”.

Our Constitution’s current understanding of marriage is very similar to that presented by Article 16 of the Universal Declaration on Human Rights: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family ... The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” Article 16 is the only article in the UDHR to begin with “men and women” – all others begin with some variation on “everyone”.

**By altering the definition of marriage our Constitution would no longer see it as a special type of relationship oriented towards the having and raising of children.**

We would no longer support marriage as an institution which unites fathers to mothers—a uniquely heterosexual institution. And we would no longer promote the ideal that a child has a right to be raised by both a mother and a father. Instead our Constitution would define marriage as a genderless institution concerned only with the private satisfaction of the adults involved.

# The Argument for Keeping the Current Meaning of Marriage

Marriage is based on the complementarity of male and female, men and women. Men and women complement each other in many ways: psychologically, spiritually and physically. One of the most important aspects of their union is the way that together they can create new life. This fact explains why marriage has a special public and legal relevance and is a matter of concern to society at large. It also makes clear why sexual union and gender difference are essential features of marriage. And it explains why **marriage is more than just an emotional partnership** – marriage is a comprehensive union of two people, a union so complete the two persons become one body in a potentially life-giving unity. This type of union is possible only between a man and a woman.

Recognising the uniqueness of marriage is society's way of protecting and promoting the ideal of fathers and mothers being united in the raising of their children. It is also society's way of recognising that children have a right to the care and support of both a mother and a father. If we change the meaning of marriage we abandon this ideal, quite possibly forever.

So marriage is about more than just the private fulfillment of the spouses. **It is about children too, the very future of our society.** It is about their right to a mother and a father. Two men can never be a mother and a father, and two women can never be a father and a mother. Yet both mothers and fathers matter for children, just as both a man and a woman are necessary for marriage.

**Based on a belief that marriage is good for society, the law encourages and provides incentives for men and women to marry and stay married.** Research shows that children fare much better when raised by a married mother and father, and preserving our traditional family-centred marriage laws is essential in promoting this. Marriage is a social institution because it protects child welfare.

The fact that infertile couples can marry in no way alters this understanding of marriage. Such couples are still able to “become one body”, a reality that forms the legal basis for the consummation of marriage. Their marital union is thus still life-giving in orientation even if disability or illness prevents them from having children of their own. Furthermore, they are still able to provide an adoptive child with both a mother and a father.

# The Argument for Changing the Meaning of Marriage

Campaigners in favour of redefining marriage argue that the State shouldn't pass judgment on who or how a person loves. They appeal to equality: equality demands that all loving adult relationships be seen as equal in the eyes of the State, and hence same-sex relationships should be permitted to be recognised as marriages.

This view sees marriage as no more than the public legal recognition of a private emotional tie between adults. But this logic cannot be restricted to same-sex relationships. According to this logic there is nothing preventing loving relationships involving three or more adults being recognised as marriages. Indeed courts in the US and Canada are already dealing with this issue as polyamorous "throuples" look for marriage rights by appealing to the same arguments used by "marriage equality" campaigners.

The same logic also entails extending the right to marry to co-dependent adults not romantically involved with one another. After all, according to this view the State shouldn't pass judgment on who or how a person loves. These are the logical implications of "marriage equality".

The marriage redefinition campaign is also unable to explain why the State should get involved in marriages at all. **If marriage is only a matter of private adult relationships the State has no business regulating and financially supporting it.** On the other hand, it does make sense for the State to support and actively promote marriage when it is understood as an institution oriented towards having and raising children and ensuring that the children's parents stay united to one another.

Campaigners for redefining marriage also argue that same-sex couples do not have enough rights together. But the Civil Partnership Act of 2010 gives same-sex couples in civil partnerships almost all the rights and benefits married couples have. In fact, it gives same-sex couples vastly more rights and benefits than other categories of co-dependent adults, such as two elderly sisters living together.

**A very significant number of gay people themselves oppose the introduction of same-sex marriage.** For example, a 2013 UK poll found that 26% of gay people did not support the introduction of same-sex marriage, 50% of gay people believed that it wasn't particularly important to introduce same-sex marriage, while only 27% of gay people would consider getting married if the law permitted it. Calls for same-sex marriage are a very recent phenomena; up until the 1990s mainstream gay rights campaigners and academics showed little or no interest in marriage. Furthermore, there is no such thing as a human right to marry a person of the same sex – same-sex marriage is not a human right according to both international human rights law and the European Court of Human Rights.

# But What's the Harm?

Radically redefining marriage will have a number of consequences:

- Same-sex couples will have the same constitutional right to adopt children as a married man and woman. Adoptive children, who today are mostly from third world countries, will thus be denied the right to a mum and a dad.
- The same goes for IVF treatments: same-sex couples will have the same right to use artificial technologies to produce children. The adult's right to artificially produce a child will trump the child's own right to a mum and a dad.
- The ideal of children being raised by a mother and a father will be publicly abandoned. Marriage will be seen as an exclusively private affair and in the long-term this will mean the weakening of State efforts to financially and legally support marriage since it will no longer have a necessarily public dimension.
- Educational materials for children will reject the idea that marriage is between one man and one woman, and will present men-only and women-only partnerships as identical.

In other countries the push for redefining marriage has already helped pave the way for:

- prosecuting individuals and businesses that publicly hold to the traditional view of marriage (already in Northern Ireland the "Equality Authority" is taking legal action against a bakery which refused to bake a cake with a pro-same-sex marriage message)
- forcibly shutting down adoption agencies that do not place children with same-sex couples (this has already happened in the UK)
- forcing individuals, businesses and even religious groups to facilitate gay marriage ceremonies (this has already happened in the US and Canada)
- teaching children in schools that there is no difference between the marriage of a man and a woman, and the union of two men or two women (the Irish group "LGBT Noise" has already called for creches to teach under-5s about homosexual relationships)

No one can be certain whether these consequences will materialise in Ireland if the referendum passes. What can be certain is that they each become significantly more likely to happen. Redefining marriage will change its public meaning **for everyone** – and this will have consequences. The idea that children should be raised by a mother and a father and that they should be supported by society in doing so would be denounced as discriminatory against same-sex couples and other non-traditional family types.

# Why Biological Parents Matter

Research has clearly demonstrated that children raised by their biological parents in a stable, intact home usually have distinct advantages when compared with children raised by step-parents, single parents, cohabiting parents, or other parental arrangements. This conclusion has been consistently reached by social scientists for the past 3 to 4 decades. There are of course exceptions to this rule – but they are exceptions and not the rule.

These findings are confirmed by the non-partisan research foundation Child Trends which states: ‘Research clearly demonstrates that family structure matters for children, and **the family structure that helps children the most is a family headed by two biological parents** in a low-conflict marriage’, compared to ‘children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships.’

**Marriage promotes something uniquely beneficial to children: the child’s biological parents united as a loving family.**

In other words, research indicates that a child’s biological mother and father contribute something invaluable and irreplaceable to their children’s development and this sets marriage above all other kinds of parenting. The law should support and promote this reality if it is to prioritize children’s best interests.

# Does Research Say Same-Sex Parenting is as Good as Biological Parenting?

A common claim is that children raised by same-sex couples do as well as children raised by their own married biological parents. However, there is no compelling scientific evidence to support this claim.

In a review of 51 studies on same-sex parenting, researchers William Meezan and Jonathan Rauch—themselves supporters of same-sex marriage—concluded that the research thus far has suffered from several serious methodological problems and is unable to support any general normative principle.

These methodological problems which affect same-sex child-rearing research include: difficulty finding representative samples; non-random sample selection; very small sample sizes; variation in what a same-sex household entails; non-standardised and unreliable measurement tools; and more.

Meezan and Rauch conclude that these limited studies fall far short of properly analysing how children reared by same-sex couples really do. Their conclusion was confirmed by a 2012 study by Loren Marks.

# But what about Equality?

**Everyone possesses an equal, intrinsic dignity as members of the human family.** The fact that marriage is the union of one man and one woman does not mean that gay people are of lesser worth than others. Current marriage law aims to unite fathers and mothers and to recognise a child's right to a mum and a dad. Marriage so understood does not attack the rights of people in same-sex relationships, just as it does not attack the rights of people in other non-marital relationship types: single parent families, cohabitees, or co-dependent elderly siblings.

Great thinkers—including champions of human rights—knew that gender matters for marriage. For Plato and Aristotle, John Locke and Immanuel Kant, Mahatma Gandhi and Martin Luther King Jr., to name just a few, the sexual union of male and female goes to the heart of their reflections on marriage.

It is not unjust discrimination to treat different situations differently. The marital union of one man and one woman is obviously different to a same-sex relationship involving two men only or two women only. Almost all societies in human history have recognised this, whether influenced by one religion, many, or none whatsoever. Marriage, as the comprehensive union of male and female, is the future of our society — let's not jeopardize it.

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