

Title: Statement of principles concerning same-sex law reform
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Standing Committee of Synod

Statement of principles concerning same-sex law reform

1. We support and encourage people to care for each other.

It is not part of our mission to oppose care and support between people. For the purposes of civic order, we are not interested in sexual expression at that point. We support all changes to the law that promote and support relationships of care. Where relationship registers recognise such care, they are welcomed. Of course it follows that we would oppose any changes to the law that privileged same sex relationships over other caring relationships (e.g. for elderly siblings or disabled family members etc.).

2. The needs of children take priority over the wants of adults.

On the one hand, to the extent that same-sex couples have taken up roles as main carers of children, we support them in that role (just as we support single parents). We do so without prejudice to the children concerned. We realise that our opposition to homosexual lifestyle should never take the form of challenging or compromising the security of children for whom these carers are the most significant adults they know.

On the other hand, where children are in need of care and the State must decide the child's care arrangements, the State must observe the most conservative possible estimate of best care. This judgment is to be made in the interests of each child, not each applicant. The State's most conservative best estimate should be that a stable, loving, harmonious married couple offer the best conditions for a child's care.

3. Marriage is not 'reinventable'.

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' (J. Chaplin).

If the state chooses to 'reinvent' marriage for the sake of an individual's rights, then there is no real limit to what may be called 'marriage'. Supposed expansions of the class 'married' will simply cheapen the currency of the term—and the law will eventually have to find another way to recognise lifetime male-female couples who welcome children.

4. We seek a society that graciously allows cultural space for marriage.

A 'good' society must accept, support and care for families without a 'nuclear' core, but something seems to have gone wrong in a society that does not naturally produce and keep a large proportion of such families. A society needs to do all it can to produce and keep a large proportion of families where stable, loving, harmonious married couples are open to bearing and raising children.

'Marriage' names men and women who give themselves to this excellent task. Use of the term reflects a

form 'positive discrimination', which has traditionally been accorded to those who embark upon that task. We ask all in our society to continue to honour marriage in this way. Daily realities of gay liberty and equity would not be compromised by conceding this cultural space to marriage. Hence marriage ceremonies and registration should remain for the married.

We note in this respect the legally expedient redefinition of 'spouse' to include members of same sex and de facto couples. We recognise that this expediency has been used to encompass a variety of care relationships within existing legislation. However we remain concerned that this solution compromises and confuses the proper privilege that society has traditionally accorded to marriage.