



OCCASIONAL PAPER 7

**A PERSPECTIVE ON “TRUTH OVERRULED: THE FUTURE
OF MARRIAGE AND RELIGIOUS FREEDOM”**

ISSN: 2206-3889

**James A Athanasou
August 2016**

Occasional Papers is a series of articles and research reports. The views expressed are those of the author and not those of the University of Sydney. Comments and criticisms are solicited. These papers are revised and updated - to avoid confusion please check that the latest version of each Occasional Paper is be cited as the reference.

Copyright © 2016 by James A Athanasou

All rights reserved. This research report or any portion thereof may not be reproduced or used in any manner whatsoever without the express written permission of the publisher except for the use of brief quotations in a book review or scholarly journal.

James Athanasou
968 Anzac Parade, MAROUBRA NSW 2035 Australia
E: athanasou@gmail.com

ABSTRACT

Truth overruled. The future of marriage and religious freedom by Ryan Anderson is comprehensive in its coverage of philosophical, social and legal aspects of same-sex marriage.

The text deals with opposition to same-sex marriage. It analyses what is described as “judicial tyranny”, the background to marriage, the destruction of a marriage culture in the West and its implications for victims. The consequences of same-sex marriage are outlined. It concludes with the scope for the building of a movement that counters the mixed ideology that has resulted in totalitarianism, genocide, abortion, and a sexual worldview. It is argued that this has battered the family and redefined marriage.

The present paper summarises some of the key assertions in the text and where possible comments from an Australian perspective. No claim is made that this is an original contribution or that it is complete in its analysis.

Contents

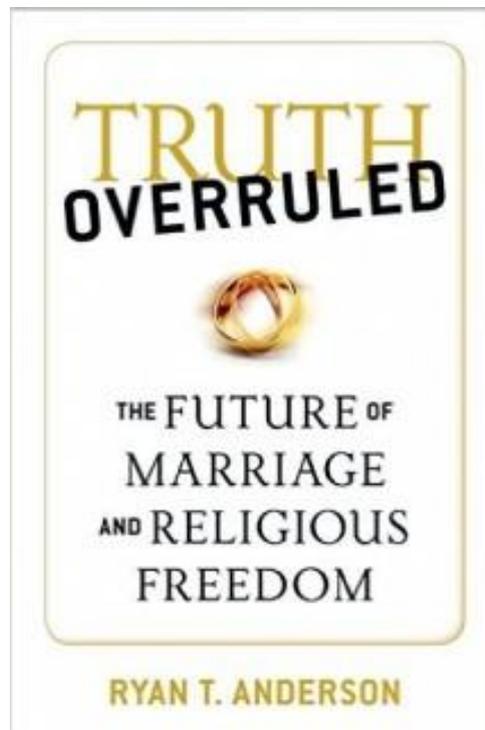
MARRIAGE RE-DEFINED..... 6

THE CONSEQUENCES OF REDEFINING MARRIAGE..... 8

THE RIGHT TO OPPOSE SAME-SEX MARRIAGE 10

CONCLUDING COMMENTS..... 13

A PERSPECIVE ON *TRUTH OVERRULED: THE FUTURE OF MARRIAGE AND RELIGIOUS FREEDOM*



*Truth overruled. The future of marriage and religious freedom*¹ covers considerable territory related to the debate on same-sex marriage in terms of politics, social issues and consequences.

The purpose of this report is to provide a perspective on some of the key assertions in *Truth Overruled*. It considers the redefinition of marriage; the consequences of redefining marriage; and the right to oppose same-sex marriage. No claim is made that this summary is complete. Any page references to the text are in parentheses.

¹ Anderson, R. (2015). *Truth overruled. The future of marriage and religious freedom*. Washington DC: Regency Publishing).



MARRIAGE RE-DEFINED

Anderson commences his book with the historic decision in *Obergefell v. Hodges*. This was a decision in the Supreme Court of the United States that permitted same-sex marriage. In essence, the Court re-defined marriage in that judgement.

Anderson argues that a view of marriage that is based merely on an intense emotional experience will create a new view of marriage. It will weaken marriage and make it “less and less a stabilizing force” (p. 2).

From the purpose-perspective, traditional marriage is viewed as “a comprehensive good”, namely, “the procreation and rearing of human life” (p. 37). He indicates that this purpose is achieved through a man-woman relationship that “avoids the enormous societal risks accompanying a genderless marriage regime” (p. 2).

Comment

The issue of the redefinition of marriage may be examined in the light of formal meanings of the term.

The national Australian dictionary has defined marriage firstly as “the legal union of a man with a woman for life”.²

Of course, the word “marriage” has a number of other meanings but from this primary perspective, the intimacy of a traditional marriage is not extended to all intimate relationships and certainly excluded same-sex relationships.

Heterosexual marriage is also part of the current definition in the *Marriage Act (1961)*, where marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life (Section 5(1)).

At present, the truth of a marriage in Australia is whether a relationship satisfies *inter alia* the following conditions: (a) there is a union; (b) it is between a man and a woman; (c) it is exclusive to a couple; (d) it is voluntary; and (e) it is entered into for life. These five conditions are interwoven. None is sufficient of itself to constitute a marriage.

These conditions do not encompass Anderson’s purpose perspective, namely, the “procreation and rearing of human life”.

Accordingly, it is obvious that in an Australian context the legalising of same-sex marriage would also involve a major re-definition of marriage as it has done in the United States.

² Delbridge, A., Bernard, J. R. L., Blair, D., Peters, P. & Butler, S. (1991). *The Macquarie Dictionary* (2nd edition). Macquarie University NSW: The Macquarie Library, p. 1091.



THE CONSEQUENCES OF REDEFINING MARRIAGE

Anderson points out (p. 2) that a re-definition of marriage will lead to “an unprecedented cultural and social revolution”. The reason for this inference is because the law moulds the perception and views of people over time - it follows social change but also directs it. Actions and behaviours which were once not permitted can become quite acceptable. This cultural and social revolution will occur because of a change in the purpose of marriage.

The first consequence of redefining marriage that is outlined by Anderson is that a child will be deprived intentionally of the right to have both a father and a mother.

The second consequence is that a society will be weakened without monogamy, exclusivity and permanence.

The third consequence emanates from the fact that a same-sex couple cannot conceive a child naturally. This will require adoption or reproductive technologies (e.g., surrogacy, sperm donors or egg donors).

A fourth consequence concerns the marginalisation of those who hold traditional views of marriage.

There are some other potential consequences that have been noted throughout the text. These might be considered as social by-products.

Same-sex marriage has an effect on the overall institution of marriage (pp. 159 et seq.). For instance, it has been found that opposite-sex marriage rates decline once same-sex marriage is introduced. Marriage has already been weakened by: “Cohabitation, no-fault divorce, recreational sex, nonmarital childbearing and pornography...” (p. 179).

Another consequence will be the differential effect of same-sex marriage across social strata. There will be greater impact on lower socio-economic groups and those already disadvantaged just as there is in the area of divorce rates or single parenting.

Comment

The extent to which this re-definition will lead to an unparalleled social transformation is an important consideration.

One does not have a crystal ball to foresee the very long-term future in an Australian context. It is possible, however, to justify some of the dire negative consequences that Anderson has listed. Those that might apply to an Australian context could include:

- behaviours which were once not permitted become acceptable;
- the procreative purpose of marriage will be reduced even further;
- the benefits of a complementary male-female relationship in marriage will be altered; and
- the potential for unknown societal risks through genderless marriage.

Moreover there is also justification for the view that the rights of children in Australia will not be taken into account. They are disenfranchised automatically.

The fact that a same-sex couple cannot conceive a child naturally means there will be an increase in the proportion of children who will need to be conceived more explicitly and intentionally (p. 50). We have no idea of the potential long-term ramifications of such a policy in Australia.



THE RIGHT TO OPPOSE SAME-SEX MARRIAGE

The issue of the right to oppose same-sex marriage might not seem important to some people. For others it is a matter of conscience.

It is the fourth consequence mentioned by Anderson and relates to the theme of “truth overruled”.

Anderson indicates that there is a prevailing view in the US that same-sex marriage is equitable. This has gathered momentum over time. Even if people do not condone same-sex marriage in their own lives then at the very least many see it as being a non-discriminatory policy.

The fact that people hold opposite views has created a division in society. It is no secret that those who hold traditional views of marriage (i.e., male-female marriage) are marginalised. It is reflected in some silencing of the opposition to same-sex marriage.

Anderson describes this as a fundamental infringement of liberty. He adds that there is “an inherent natural right...” of people to maintain a viewpoint

“... even if their beliefs seems unfounded, flawed, implausible, or downright silly” to others (p. 107).

Support for traditional marriage is linked with religious views and one point raised by Anderson relates to religious freedom (pp. 53 et seq.). He concludes that there is no convincing importance for the government to force conscientious believers to go against their principles (p. 117).

Comment

My observation is that the LGBT movement in Australia has wittingly or unwittingly eroded freedom of speech. There is evidence that the right to freedom of expression of a contrary view is being restricted gradually in the media.

The debate about same-sex marriage hinges on discrimination against sexual orientation.³ This is based on the generally accepted idea that discrimination on the basis of features such as age, sex, race or disability is unfair.

It overlooks the fact that sexual orientation is a feature that is quite unlike these other characteristics.

Sexual orientations involve an action. These other features are largely innate characteristics (p. 140) although it is recognised that disabilities may be acquired.

Nevertheless these features (e.g., age, race or ethnicity) are readily distinguishable. They can be determined objectively. Sexual orientation, on the other hand, is highly subjective and ill-defined. Sexual orientations are changeable (p. 142). Accordingly, legal protection for sexual orientations is fraught with difficulties.

A second point is whether those who oppose same-sex marriage ought to be treated in the same category as racists. The racist criticism is particularly

³ For example: lesbian, gay, bisexual, queer, transgender, questioning, asexual, polyamorous, bondage. Dominance-submission, sadism-masochism

relevant in the United States. The issue is whether opposition to same-sex marriage is to be viewed as bigotry.

It helps to consider the formal definition of bigotry, namely: “intolerant opposition to a particular creed, opinion, practice etc.”.⁴

There does not seem to be a ready understanding in the community that one can propose a contrary viewpoint but still be tolerant.

Anderson used a helpful analogy of same-sex marriage opponents and those who oppose abortion. In Australia the views of the pro-life movement are generally recognised as having some basis even if people do not agree with them.

In general those who oppose same-sex marriage are painted more and more as: (a) discriminatory, (b) as outcasts, (c) as fanatics, (d) as extremists or (e) as he described them *hostes humani generis* (enemies of mankind).

The favoured epithet in Australia is “homophobe”. Again this is used without thinking. Homophobia requires “a fear of homosexuals usually linked with hostility towards them”.⁵ Fear and hostility are not necessarily equated with opposition to same-sex marriage.

Nor does opposition to homosexuality imply fear or hostility. Certainly one can be opposed to something and dislike it but without any sense of fear or hostility or intolerance.

⁴ *Macquarie Dictionary*, p. 171.

⁵ *Macquarie Dictionary*, p. 845.



CONCLUDING COMMENTS

“Truth overruled” will not be everyone’s cup of tea but it is food for thought. The implications of Anderson’s views for Australia are:

- (a) the demolition of marriage in the public space;
- (b) the promotion of a new gender ideology;
- (c) an impact on the rights of children;
- (d) limits on freedom for conscientious objectors;
- (e) an increase in political control through anti-discrimination legislation.

The only reason that has been put forward is to ensure equality for those with differing sexual orientations. There is little justification for this view. Sexual orientation is not in the same class of innate characteristics such as age, race, ethnicity or disability.

Same-sex marriage is actually a “new stage of the sexual revolution” (p. 77). It also involves the imposition of a gender ideology on the public.

In short, same-sex marriage panders to a minority of adults. It will create a new social order whose dimensions can only be barely imagined. It will erode the culture of marriage that has served society. There is no compelling reason to overturn the tradition of marriage that has served Western society.

Funding

Preparation of this report received no specific grant from any funding agency in the public, commercial or not-for-profit sectors.

James Athanasou is a psychologist in private practice. He lectured in measurement and evaluation in the Faculty of Arts and Social Sciences at the University of Technology. He retired in 2008 but continued as an Adjunct Professor until 2015. From 2014-2016 he is an Associate Professor (part-time) in Health Sciences at the University of Sydney.

E: athanasou@gmail.com

OCCASIONAL PAPERS

1. *A critical analysis of Writing Themselves In 3*. March 2016
2. *A critical comment on the 5th National Survey of Australian Secondary Students and Sexual Health*. March 2016
3. *The practices and behaviour of men who have sex with men: A summary of "Sexual Health and Behaviour of Men in New South Wales 2013-2014"*. April 2016
- 4.2. *Appraising the importance of bullying for the National Safe Schools Framework*. June 2016
5. *A preliminary note on the use of words such as "gay", "lesbian" or "homosexual" and terms such as "same-sex" or "LGBTI"*. May 2016
6. *A critical review of the All of Us program*. June 2016
7. *A perspective on Truth overruled: The future of marriage and religious freedom*. August 2016