2 April 2012

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

RE: Marriage Equality Amendment Bill 2010

I am writing this submission in support of the Marriage Equality Amendment Bill 2010.

This is an issue I feel very strongly about, and I appreciate the opportunity to express my views in this inquiry. I want to talk about two very important points first: how people view homosexuality and how people view marriage. I think the way this issue is handled is contingent on a person's views regarding the two topics central to the whole debate. It seems that the nation's views on these two topics vary widely are highly personal and subjective.

Homosexuality
While it is generally accepted in both the scientific and non-scientific communities that homosexuality is a result of nature, not nurture, many still believe the opposite and thus make references to sexual 'preference' as opposed to 'orientation'. A person's view on the nature versus nature point may determine whether they see the same-sex marriage debate as unimportant and nothing more than the kowtowing of the state to the whims of a noisy minority group, or as essentially, a human rights issue. So in addition to supporting the Bill, I also support education and awareness of homosexuality, and indeed sexual identity issues in general.

Marriage
Upon reading many of the submissions already made, in addition to articles I've read outside the senate inquiry site, it seems there is a crucial division in opinion on the purpose of marriage between those who support and oppose same-sex marriage. One camp (which includes myself) believe that marriage is primarily about publicly professing your unconditional romantic love for another person, and making a commitment to that person until death. This camp believes that procreation is secondary and that procreation occurs at the discretion of the couple. The other camp, it seems, believes marriage is primarily about procreation and maintaining a standard family unit for the raising of children. Herein, I believe, lies the crux of the issue with regard to marriage. Of course these camps will butt heads if they are debating the definition of an institution that they interpret so differently.

Related to this is the origin of marriage. Many religious groups seem to be under the impression that marriage is a religious institution (particularly those of the Judeo-Christian persuasion). I think that debunking this 'myth' is crucial. Marriage, in many forms, and by many different names, has existed since the dawn of human civilisation to varying degrees. As an institution it is practically culturally universal, though different cultures and societies have defined it in their own way. To be sure, in many societies marriage was a ritualistic, religious ceremony, but to claim marriage itself is a product of 'creation' is misleading and incorrect; marriage, like courts and states and any other institution, has been invented by humans. Historically, marriage was a business transaction that was undertaken between the (male) heads of separate tribes/groups for mutual gain. Our modern Western society now interprets marriage in a totally different way. We now (in most cases) allow women to choose their own partner; marriage is not seen as a business transaction, women are not seen as property; dowries are now seen as out-dated, inter-racial couplings are now permitted; and the list goes on. The society of the day shapes and morphs the institution of marriage to suit the attitudes and ideologies of the day; marriage is not static, just as every societal and cultural construction is not static – they change with the times.

Arguments against same-sex marriage

I would like to address some of the most common objections people have to the legalisation of same-sex marriage; obviously these are my personal views on the arguments but I believe they are valid.

Children

Firstly, there is the argument on behalf of children. I think any points concerning children are probably the most important, as we all want what is best for them. There is an argument that suggests that the raising of a child by married same-sex couples is detrimental to the development of a child, as a child required both a male parent and a female parent to develop properly. The argument contends that males and females bring unique qualities to parenthood and without this complementarity, children lack holistic parenting. Firstly, I would point out that this argument assumes that the raising of a child within a marriage (and indeed outside marriage) exists in total isolation from other family members, friends, neighbours, and the general community the family lives in. it also implies that all women are identical, and all men are identical in personality types, parenting styles and personal attributes. In my family, my father couldn't give a hoot about sports or competition or any other typically masculine pursuit; he preferred going to the theatre, reading novels, and watching wildlife documentaries. Does this mean he could not offer what any man should to the parenting of my sister and I? Parents can complement each other in other ways; holistic parenting is not dependant on gender differences. Further, there are many role models and 'assistant' parents available to children – their grandparents, their parents' friends, other relatives, teachers and other community members. A dearth of any particular parental attribute could certainly be fulfilled by someone close by.

This is something that, for example, single parents experience raising their children.

There is another argument that suggests that legalising same-sex marriage would confuse children and turn everything they know upside down. Some go so far as to argue that young impressionable children might become homosexual because of societal endorsements. I truly believe that adults underestimate the intelligence of children, and really, I think this is a cop-out. Explaining anything out of the ordinary to children might be challenging, but we do it every day, and it is precisely because children have only the preconceptions we give them, that explaining that people have different sexual identities would not the be harbinger of doom that some people believe. I think people need to remember that homosexuality in society is rare; children can be taught about it but they will not be bombarded with it everywhere they look because it is *not* everywhere; heterosexuals are by far the majority in society, this will not change. Legalising same-sex marriage will not lead to the sudden creation of *more* homosexuals, it just recognises their already-existing relationships. And this response is for the later concern that children might be 'swayed' into homosexuality. Again this speaks to peoples' ignorance regarding the phenomenon of homosexuality; ask one of these people if they could be personally persuaded to shed their heterosexual identity – I am sure they would indignant and reply 'of course not!'. Then why do they believe anyone else could be persuaded?

'Many homosexuals don't even want to get married!'
It has been stated in several submissions, as well as elsewhere, that in fact many homosexual people do not want to be married, and that some are even happy to leave marriage to heterosexual couples. That is no doubt 100 per cent true. Of course, many heterosexual people also have no desire to get married, certainly many of them think that marriage is an out-dated institution or that long-term monogamy is not for them. However, this is no argument. The fact that many homosexual people *do* want to get married means this is an issue.

'Same-sex marriage will cheapen the institution of marriage and it will affect the status of my marriage'
If a person honestly feels that allowing complete strangers the right to have their romantic relationships legally recognised will cheapen and denigrate their own marriage with their own partner, than I would suggest that this person has serious problems within their marriage. If what is happening to complete strangers somehow makes your marriage less special, then I would suggest there are deeper problems that need addressing. Again, perhaps this speaks to how people interpret marriage – if you believe it is all about male and female roles and procreation, then perhaps same-sex marriage is personally offensive. But if you believe that marriage about love, then love certainly is the winner here. I think an important point here is that the Marriage Act does not prescribe the purpose of marriage or what they underlying reasons for two people marrying must be; the why is subjective and not legally defined. Therefore, no person should be able to deny marriage to another person on the grounds that they believe the person is not fit to marry because they do not conform to that

person's expectations of why people marry. The *why* should be up to the people undertaking the marriage.

'Legalising same-sex marriage is a slippery slope – what next? A man marrying his own daughter? A woman marrying her dog?'
I'm addressing this 'argument' last because really it's not even an argument. This inquiry may have received submissions containing arguments along this line but I am confident that the intelligence of the people undertaking the inquiry means they realise this argument is, frankly, ridiculous. Marriage takes place between two *consenting* adults. A child is not an adult and that is why the law does not recognise marriages where a child is involved. Further, immediate relatives are not permitted to marry because if they produce any children, these children have a high chance of having genetic abnormalities. This is why incest is a social taboo. The absurd suggestion that a woman might parry her pet is also easily debunked. A dog is not human and so cannot consent to a marriage, which is a human institution. The only argument that perhaps does warrant attention is the contention that same-sex marriage might open the gates for legalising polygamy. Polygamous relationships are between consenting adults so this is a fair point. However, I would argue that marriage is a declaration of devotion and commitment; it is harder to be devoted and committed to more than one person, because by desiring to have multiple wives (or husbands) necessarily is admitting that one has no desire to commit.

This has been a much longer submission than I had intended to make, but I wanted to address the arguments I have heard and explain why myself, and all of my friends with whom I share my passion about this issue, have the opinion we do, and why we feel that the arguments against the legalisation of same-sex marriage do not stand up to scrutiny. Ultimately this is a question of rights, and it it's a question that asks whether we want to be an inclusive society that values each of its members equally, or whether we want to be a society of exclusion, where privileged members can flourish while unprivileged members are ignored. Gay people have grown up the same as the rest of us. They were read to at bedtime, and they imagined themselves as princes, princesses, heroes and astronauts. They went to the same schools, played the same games, and had silly little crushes just like the rest of us. Imagine growing up in our world and looking forward to love and to having a family, only to be told when you grow up, "No, this is not for you. Your idea of love, your idea of marriage and commitment and a happy life, is wrong and against the law". To be perfectly honest, this denial of social inclusion is abhorrent and it is representative of an Australia that I am ashamed to be a part of. More importantly, it can lead to a person undervaluing themselves, which can lead to depression and even suicide. It is a well-known fact that suicide rates are higher among non-heterosexuals, and I would argue that if people are genuinely concerned about the welfare of children, then we should not teach children who are struggling with their sexual identity that they are inferior. If child welfare is on the agenda then the welfare of gay children and young adults must also be on the agenda. Exclusion hurts.

I urge you to consider the facts, consider how you would feel if you were denied the right to marry, and consider what it would mean for Australia to take this step and recognise the value of all our citizens, equally.

Sincerely,

Meaghan Webster