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By electronic mail

Parliament of Australia
Senate Inquiry: “Effectiveness of the Sex Discrimination Act”

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“Women, Combat and War: Debunking the Myths”

Re: Exemptions to the *Sex Discrimination Act 1984 (Cth)*;
Sections 37 and 43 of the *Sex Discrimination Act 1984 (Cth)*;
Women in the Australian Defence Force and religious institutions

Dear Committee,

Please consider my submission for the above inquiry. I am a doctoral research candidate from the University of Sydney. During the past two years, my research has examined the Australian Defence Force’s (ADF) history of excluding women from combat and combat-related roles in the ADF. A copy of my thesis abstract is included at the end of this submission. This submission’s discussion is mostly limited to Section 43 of the *Sex Discrimination Act 1984 (Cth)* (SDA). This section makes it lawful for the ADF to exclude women from employment in combat roles. Concluding comments make reference to Section 37 of the SDA. This section of the act makes it lawful for religious institutions to discriminate on the grounds of sex. These exemptions are invariably used against women in favour of men. Strong parallels exist between the exclusion of women from full integration into the ADF and the exclusion of women from religious institutions including religious educational institutions (see Carson 1993; Spurling and Greenhalgh 2000).

This submission argues the existing ban against women accessing combat roles and other roles in the ADF, is unjust, inhumane, unethical and unnecessary. Furthermore, this submission argues that all sex-based restrictions in the ADF must be reversed as a national priority for these

reasons. These other restrictions include the ADF's ban against employing women as naval clearance divers in the Royal Australian Navy (RAN) and their exclusion from surface finishing and electroplating roles in the Royal Australian Air Force (Davis2007)¹.

During the past two years, I have undertaken an extensive literature review of scholarly and defence industry literature that examines the integration of women into Western nations' armed forces. These include a thorough review of the most relevant research reports that consider the treatment of women in the ADF. This includes research authored by Burton (1996), Quinn (1996), Ferguson (1998) and Grey (1998). I have also read hundreds of other documents that examine the ADF, Canadian Forces (CF) and other Western armed forces including members of the North Atlantic Treaty Organisation (NATO).

I am fully conversant with all arguments that have been put forward historically and in contemporary times in support of excluding women from combatant roles and other dangerous roles in the armed forces. Broadly speaking, most debates centre on the so-called "rights versus readiness" polemic divide (*e.g.* see Carreiras 2006:86–89). This paper considers this debate, and demonstrates how the "rights versus readiness" mindset offers a fatally flawed framework to consider whether women should be allowed into the ADF as combatants. The structure of this submission is based on the ANZAC Day Commemoration Committee's (ADCC) paper titled "Women in the Australian Defence Force: Do they have an Equal Role to Men?" This paper was co-published by the ADF. According to the ADCC (2002) women are excluded from full integration into the military for reasons related to cultural, equity, social standards, hygiene, danger, efficiency, morale, training and unit efficiency factors (Ryebuck Media and ADF 2002). This submission demonstrates how none of these reasons present valid arguments for denying women full access to any employment category in the ADF. This is mostly because these arguments are grounded in stereotypical views of the roles, needs and abilities of women. Furthermore, history has shown how the professionalism and organisational dynamics of the male-dominated ADF have not been lessened when the Australian Government has inflicted other social reforms on the ADF. This includes the integration of homosexuals into the ADF and

¹ This submission mostly discusses the ADF's ban on women from employment as combatants. However, most arguments presented in this paper extend to naval clearance divers, surface finishing and electroplating roles.

the integration of women into combat-support roles (*e.g.* see Smith 1995; Ferguson 1998; Belkin and McNichol 2002).

Right versus readiness debate

The integration of women into all employment categories within the armed forces is not a “rights versus readiness” trade-off (see Carreiras 2006; Davison 2007). The exclusion of women from fully integrating into the nation’s armed forces undeniably diminishes women’s citizenship status. In western societies, military service has traditionally been associated with “military citizenship” – *i.e.*, the prestige associated with being able to defend the territorial integrity, way of life and values of one’s country. Denying women access to the armed force’s prestigious combat roles clearly reduces women’s status in the armed forces. This in turn derogates women’s place in society vis-à-vis the place of men (Feld 1978; Fenner 1998).

It is a myth that all women are not suitable for combat, just as it is a myth that all men are suitable for combat. Arguments about men and women’s suitability for frontline military service are grounded in stereotypical assumptions about the psychological and physiological makeup of women and men. It is naïve and ignorant to believe all women possess petite bodies and pacifist mindsets. It is equally absurd to believe all men are athletic warriors (Enloe 1983; Carreiras 2006). Capacity based testing research has proven that certain women and men are physically and mentally suited to combat and some are not (International Military Testing Association (IMTA) 1997). Throughout history, women have acted as combatants in civil conflicts, insurgencies, militias and other struggles including full-scale war (Goldstein 2001; Carreiras 2006). This is evidence proves that so-called rights versus readiness polemic debates are grounded in “ideology, theory, and political action” and not on “biologically determined ... tendencies.” (Carroll 1987; cited in Carroll and Hall 1993:12)

Culture, equity and social standards

There are no cultural reasons why women should be denied access to the full range of employment categories within the ADF’s ranks. In recent decades, Australia has confirmed its ongoing commitment to removing all forms of discrimination against women. This evidenced by

Australia's ratification of the United Nations (UN) *Convention on the Elimination of all Forms of Discrimination against Women*² (CEDAW) in 1980, and the enactment of the SDA in 1984. Every Australian state and territory has enacted legislation that expressly outlaws discrimination against women in virtually all areas of Australian's public sphere. Since 1984, the SDA has been amended on multiple occasions and the number of remaining exemptions has progressively decreased (Standing Committee on Legal and Constitutional Affairs 1992; Maddison and Partridge 2007). Australia's culture and values no longer reflect a wider society that believes women are inferior to men or that men have a right from birth to control the nations' institutions and power structures. In November 2007 Australia elected a woman into office as Australia's first Deputy Prime Minister (Sawer 2008). Since November 2007, Julia Gillard has twice acted as Australia's Prime Minister and Commander and Chief of the ADF. If the Australian people and Government believe Julia Gillard can competently act as Commander and Chief of the ADF, then surely our society must believe women are capable of engaging in all roles within the same force. If this is not the case, the Australian people have witnessed a absurd situation where its Deputy Prime Minister maintained executive and operational control over certain military roles that she herself is unfit to pursue as a career for no reason other than her biological sex (see Australian Defence Force Academy 2007).

Hygiene, pregnancy and family

One of weakest and cruelest arguments for excluding women from acting as field combatants relates to arguments about women's hygiene. These include issues related to menstruation and women's need for sanitary products. It also relates to arguments about the high-risk of serious infection to women's sexual organs should they be engaged in frontline warfare and not have regular access to bathing facilities (see Wardell and Czerwinski 2001). To argue that women's hygiene – or lack thereof – is a reason for denying women access to combat roles, exposes the misogynist culture that has proliferated in the ADF and other Western military forces (see Segal 1982; Burton 1996; Quinn 1996). Women's bodies are as hygienic and unhygienic as men's. It is true that women will frequently experience vaginal infection if they do not have regular access to bathing facilities. It is equally true that an unwashed male body may contract comparable penile

² Australia signed CEDAW, with reservations, in 1980. This ratification took effect 28 July 1983 (UN 2007).

infections if it is not washed regularly. Both forms of infection may be equally as detrimental to a person's physical functioning if left untreated (McAninch 2000; Schuliling and Likis 2006). Female infection arguments reinforce the myth of the unhygienic female anatomy and have little to do with the reality of women and men's suitability to combat (Segal 1982).

Exponents for women accessing combat roles warn of the dangers of female combatants becoming pregnant during wartime or peacetime. This is ostensibly undesirable as pregnant combatants become bigger, slower and will eventually take maternity leave. This ostensibly depletes a military's combat ranks and combatant abilities. Pregnancy arguments are a crafty and unfair attack on the unique physiological functions of a woman's anatomy. All arguments about women's unsuitability for combat due to their likelihood of future pregnancy are flawed as they are based on stereotypical assumptions about women and men's life courses, biological functions and personal orientations (Segal 1982). Not all women are fertile, sexually active and heterosexual. Not all women desire to become mothers. (Basow 1992). Under current federal public service awards, a male combat soldier can take paternity leave if his partner gives birth to his child. Yet the ADF does not ban males from employment as combatants (ADF 1994; 2006). If the ADF considered menstruation a true reason for denying women employment as combatants, they would enforce the ban only against those women whose bodies menstruate and who also refuse to take action to cease menstruating. The ADF does not relax the combat ban against women who are sterile, post-menopausal, have had a hysterectomy and those who are willing to circumnavigate menstruation via contraceptive or surgical intervention. The ADF enforces a ban against *all* women from combat (ADF 1994).

Female pregnancy arguments are also used to support to the ADF's claim that women are unsuitable for certain combat roles (especially fighter pilots) and other non-combat roles due to future possible risks to a woman's unborn foetus. Such high-risk roles also include surface finishers and electroplaters. If protecting the unborn foetus were a true reason, the ADF would not ban women from accessing such roles if they were sterile, had undergone a hysterectomy or were post menopausal (see Ferguson 1998; Davison 2007). In any case, no women should ever need to justify her suitability for any occupational role due to the possibility of her becoming pregnant at any time in the future. Neither should any woman need to prove her fertility or

infertility. Other options are readily available. Almost every business in Australia has workforce-planning mechanisms that provide for maternity/paternity leave cover. These include internal redeployment of staff and over recruiting a small number of full-time equivalent staff to cover ongoing absences, including sick leave, long service leave and training leave. There is no reason for the ADF to be concerned that opening combat roles to women will result in a large influx of fertile female applicants for combat roles. The Canadian and ADF's own experience attest to this. Despite the CF opening its doors to female combatants in 1989, female combatants presently account for only 3.8% of the CF's ground forces combat roles (McSally 2007). Although combat-related roles have been open to Australian women since the early 1990's, women presently account for less than one in seven of all combat-related personnel. Furthermore, since the ADF converted to an all volunteer force in 1973, the ADF has had difficulties attracting and retaining³ women volunteers (Quinn 1996; ADF 2007; Smallacombe 2008).

Men's health and family issues can cause men to become unsuitable for combat at any time during his career during peacetime and wartime. Since 2003, thousands of male American soldiers have returned home early from their tour of duty in Iraq for medical and family related reasons. Medical reasons include mental and physical breakdown. Some soldiers have resigned so they can return home to their family and spend time with their children or newborn child (Matsakis 2007; Carreiras 2008). Health and family reasons have also been identified as factors causing men to leave the ADF (Australian Defence Association 2007; ADF 2007).

Danger

War and combat are violent and dangerous situations – few people would dispute this (Matsakis 2007). However, it is not the role for the patriarchs of society nor the military to decide which sex needs protection from the atrocities of war and which sex does not (Fenner 1998). The Canadian experience shows us there are women who are willing and able to fight as combatants

³ Women's low retention rates are not a reason to exclude women from entering the ADF in any occupational role. The ADF can significantly improve its retention rate by fostering a culture of equality of opportunity, especially with regards to its treatment of women (Burton 1996; Quinn 1996; Smallacombe 2008).

for their country on equal term with men during full scale war (see National Defence and the Canadian Forces 2006).

Although it is true that women combatants have been raped/gang raped during warfare (Ketting *et al.* 2004; Matsakis 2007) it is demeaning to women to decide on their behalf that they do not have the right to volunteer for frontline military service because they require special protection. This policy, which is invariably enforced by the patriarchal structures of Western societies, reinforces the association of masculinity as supremacy and femininity as subordination and weakness. Female protection arguments distort and mythologise the realities of warfare that have been witnessed throughout recorded history. Historical evidence proves that men have raped and brutalised other men during war (Smith 1990; Ketting *et al.* 2004). The enforced protection of women does not empower women. Denying women from accessing the full spectrum of choices available to men derogates their place in society (Fenner 1998).

Efficiency and morale

It is a myth that integrating women into frontline combat roles undermines morale and the efficiency of combat units. Since the commencement of the post First War era, similar arguments were used to exclude other minorities from the ADF. This includes non-heterosexuals (especially homosexuals and lesbians) and indigenous Australians. Women were integrated into the regular divisions of the ADF's naval, sea and air corps progressively between 1977 and 1986 (ADF 1999). In the past, the ADF has convinced successive Australian Governments that integrating homosexuals, indigenous Australians and women into the ADF would undermine the morale and efficiency of the ADF's corps. In 1992, large numbers of ADF personnel threatened the Keating Government with mass resignations if the Government allowed homosexuals to join the military. The Government implemented the policy, yet only small numbers of personnel resigned. Executives from the ADF warned the government that allowing homosexuals into the ADF would destroy morale within the ADF and this would undermine the ADF's operational efficiency. This has not happened. To this day, the ADF remains one of the most effective and professional defence forces in the world, despite its relative smallness. There is no evidence that

integrating minorities into the ADF has ever undermined the institutions' morale or productivity (*e.g.* see Smith 1995; Belkin and McNichol 2002).

It is erroneous to argue that women should not be integrated into combat roles because their sexual presence will distract men and undermine the operational performance of fighting units. Australian women have been involved in warfare for over a century. As nurses, women accessed the frontline during the Boer War, First War, Second War and Gulf War. They also accessed the front in their capacity as support combatants during the latter two wars. Furthermore, women's access to frontline roles has expanded considerably since the early 1990s, especially in the RAN. There is no evidence that women's close proximity to the frontline has ever impeded the ADF's operational performance in any way (Spurling 1999b; Bomford 2001; Buttsworth 2003). Denying women access to the frontline does not inhibit male soldiers' sexuality during peacetime or wartime. A certain percentage of male soldiers have engaged in various forms of sexual activity throughout recorded history, both during peacetime and wartime. This includes sexual fraternisation with local communities, their colleagues, prostitutes and the rape of enemy civilians. Excluding women from the frontline does not decrease male combatants sexual appetite or activity (see Enloe 1993; Ketting *et al.* 2004). Relying on male-female fraternisation arguments perpetuates the myth of the virile heterosexual male soldier. The ADF includes a diverse membership among its ranks including bisexual, homosexual (including lesbian) and trans-sexual personnel (Smith 1995; Belkin and McNichol 2002, Defence Gay and Lesbian Information Service 2008). It is likewise unfair to assume all ADF personnel – both male and female – are potentially promiscuous persons who will engage in rampant, unsafe or violent sexual activity when engaged in frontline duty. This stereotype undermines the professional international standing of our armed forces. Such stereotyping also demeans those personnel – both male and female – who have long-term partners and/or abstain from casual sexual encounters and sexual harassment of their colleagues (see Senate Standing Committee on Foreign Affairs, Defence and Trade 1994; Grey 1998). Excluding women from the frontline due to men's apparent inability to control their urges also sends society the message that it's acceptable to punish/exclude women from full participation due to men's personal failings. The military literature talks about excluding women from the frontline because of their sexual distraction to men. It never talks about excluding men and promoting woman as combatants. If

women are less sexually driven/distracted (according to the myth) than men, would they not make better combatants? (see Enloe 1983; Agostino 2003).

It is unacceptable for the Australian Government to continue delaying the inevitable full integration of women into the ADF. Research conducted by the ADF in 1995 showed that less than half of its then members believed that integrating women into the ADF as combatants would have negative effects. Based on a survey of over 3,000 personnel, those with negative views were a minority. The same research report stated that attitudes will change as women become further integrated into combat-related duties (Hodson and Salter 1995). This report is now thirteen years old. Women have been integrated into combat-related roles for over a decade. Furthermore, significant advances have been made in the RAN where women have become integrated into submarines and frontline onboard duties (Ferguson 1998; Spurling 1999a; 1999b).

Training and physical

Relying on evidence of women's physical abilities or alleged inabilities as a reason to exclude women from combat is a flawed argument for excluding women from combat roles. Biokinetic data, published by military and non-military research institutions, prove that women and men have overlapping physical abilities (IMTA 1997). The former Australian Government repeatedly acknowledged that non-gendered capacity based testing is more relevant for assessing a person's suitability to employment in the ADF, than is a person's sex (*e.g.* see Office for Women 2003; Vale 2003). A person's fitness, physique and psychology are what determine their ability to function as an effective soldier. Atypically, persons with high levels of fitness, athleticism, upper and lower body strength and mental "toughness" are best suited to frontline combat roles. These attributes are found in both women and men in all societies, including Australia (Smith 1990; IMTA 1997).

Parallels with religious exemptions

I ask the Australian Government to consider how the issues raised in this paper might also relate to exemptions granted to religious institutions from the SDA. These issues concern the place of myths and stereotypes of gender roles and gender abilities. It also includes the enduring

dominance of the patriarchal structures of Australian society. Although widespread gender equity reforms have occurred in Australia since the 1960s, less than ten percent of all religious ministers in Australia are women. This low percentage is not attributable to a lack of desire on the part of women. Rather, this fewness reflects the stubbornness of many of Australia's organised religions to open their doors to women leaders (Manville 1997; Liveris 2005). Most religious schools that rely on section 37 of the SDA rely on this exemption to hire and promote men at the expense of women. There are no physical, psychological or moral reasons to exclude men or women from working as a religious minister for any religious institution or their affiliated colleges. Those who rely on theological arguments to exclude women from leadership roles are becoming increasingly more isolated. It is evident that the "new" generations of Australian scholars/citizens have more open-minded views of the role of women in religious institutions. Excluding women from an institutions' power structures reinforces gender stereotypes of the role and choices available for women in our society. These stereotypes enforce perceptions that women are nurturers and their roles are supportive and submissive to men. The exclusion of women from leadership roles in religious institutions reinforces the myth that only men can access, interpret and disseminate the divine authority of a religion and its teachings (Jantzen 1998). This stereotyping is by no means a minor issue. Although Australia is a secular society, the laws and values of our society are clearly linked to the monotheistic faiths. According to the 2006 Australian Census, more than half of all Australians identify as Christians. Furthermore, most non-Christian Australians identify with a religion that has institutional representation in Australia. These include the Jewish, Islamic, Hindu and Buddhist faiths (Australian Bureau of Statistics 2006).

The future

Since December 2007, ongoing reports in the mainstream Australian press have reported the possibility the Rudd Government may reverse the ban against women accessing combat roles in the near future. I am disappointed to see a number of these reports link this development to the ongoing recruitment and retention crises in the ADF (*e.g.* see Allard 2008; Fitzgibbon 2008; Markson 2008). This association implies that the ADF/Australian Government will integrate women into combat roles as a "last resort". This also implies these roles are not good enough for

male Australian volunteers. I call for the Australian Government to immediately remove Section 43 from the SDA for those reasons outlined in this paper. Furthermore, I call for the Prime Minister and Defence Minister to state on the record that this amendment is not due to the recruitment and retention problems in the ADF. The Australian Government must acknowledge how this overdue reform has been offered to the people of Australia because many Australian women are able to satisfy the physical and mental standards that are required for *all* occupations in the ADF, during peacetime and wartime.

Conclusion

In a democratic society, the wishes of the people should always override the politics of the military unless these wishes place the nation's security at risk (Dandeker and Segal 2002). Allowing women to access combatant roles in the ADF will not undermine the ADF's professionalism or fighting capacity. If the ADF switches to non-gendered capacity based testing, it can readily identify those who are physically and emotionally suited to combat roles. It is unjust to deny women access to other roles such as surface finishers, electroplaters and naval clearance divers on female protection arguments. This archaic, male-centric policy diminishes Australian women's citizenship and freedom of agency. Women are best suited to determining what careers are compatible with their bodies, just as men are the best suited to deciding what careers suit their bodies.

The Australian Government owes the women of Australia an apology for allowing Section 43 of the SDA to officially diminish women's citizenship status in this country for almost three decades. Denying women full access to all areas of public life is unjust, inhumane, unethical and unnecessary. The author of this submission is not pro military. Nor does he condone warfare, aggression or any form of militarism. The need for a professional, ethical and democratically administered military is a pragmatic reality that will be part of Australia's cultural landscape for the foreseeable future. Australia needs a military to protect its borders from terrorism and transnational crime and to undertake bona fide peacekeeping missions authorised by the UN. In these capacities, women and men have much to offer the ADF, Australian society and the global community. There is not one valid reason why women volunteers should be excluded from providing a full contribution to Australia's military forces on equal terms with Australian men.

Arguments for denying women full integration into the ADF are grounded in stereotypical and mythical assumptions about gender roles, polemic sexist ideologies and the endurance of patriarchy. It is a myth that women have never fought for Australia during wartime. It is also a myth that Australian women do not have access to the ADF's frontline operations. Australian women presently have access to around 97% of all roles in the ADF. Furthermore, they remain excluded from only one employment category in the RAN (*i.e.* naval clearance divers) (Smallacombe 2008). These figures suggest that women's exclusion from the full integration into the ADF is merely symbolic. This symbolism epitomises notions of male supremacy and female subordination in one of the last male dominated bastions of Australian society.

I thank you kindly for your consideration of the issues and arguments raised in this paper.

Yours sincerely,

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Doctoral Abstract

The armed forces and civil societies of Australia and Canada are close cousins. Case studies of the two nations feature prominently within civil and military social research. If these nations are so similar, why then has Australia still not granted its female citizens full access to military combat roles when Canada achieved this milestone twenty years ago? This thesis examines this question within the parameters of three interrelated objectives. The first objective documents the history of women's exclusion from combat and submariner roles in the Australian Defence Force (ADF) and Canadian Forces (CF). The second objective considers the degree to which military, social, cultural and political influences have played toward denying and granting women access to combat and submariner roles in the ADF. The third objective compares and contrasts the advancement of women's access to combat and submariner roles in the ADF and CF. Military sociology and feminist approaches present as co-equal, complementary approaches. The thesis relies on documentary analysis and policy analysis as the dominant research methods. This thesis concludes the reasons why women have been denied access to combat roles in the ADF are multi-faceted and complex. Furthermore, a wide gap exists between policy rhetoric offered by successive Australian Governments and explanations offered by those who challenge the Government's rhetoric. The progressiveness of the Canadian position is mostly attributable to the *Canadian Charter of Rights and Freedoms*. Australia does not bestow on its citizens a comparable legal instrument. The "political" variable of Segal's four-pronged model mostly explains the anomaly between the Australian and Canadian positions. The findings of this thesis should be of particular significance for those feminists, military sociologists and public policy makers who are interested to learn why women have truly been denied access to military combat roles in the ADF.

Key words:

Australian Defence Force, Canadian Forces, feminism, sex discrimination, Mady Segal, military sociology, women and combat, women in the military, women's military roles cross-nationally.