

## How the same-sex marriage vote will impact on human rights and democracy

Written by Dennis Altman, Professorial Fellow in Human Security, La Trobe University

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Prime Minister Malcolm Turnbull's promise of same-sex marriage by Christmas will almost certainly be honoured. We will continue to argue for some time whether the long, expensive and emotionally charged process that's delivered this change was worth it.

The postal survey basically reaffirmed what opinion polls had made clear for some years. It also introduced certain dilemmas for MPs, who were asked to cast a conscience vote while acknowledging the wishes of their constituents.

Before the poll several MPs said they would follow the [vote of their electorate](#). Some opponents of change, like [Matthias Corman](#), felt bound to vote for the legislation. Others, including [Pauline Hanson](#), abstained.

The dilemma is most acute for Labor members in the lower house, as all but four of the electorates that recorded a "no" vote are held by Labor members. Three senior Labor figures – Jason Clare, Tony Burke and Chris Bowen – who represent the [electorates with the highest "no" vote](#) all support change.

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The Labor members who are opposed are seemingly united by their connections with the [Shop, Distributive and Allied Employees' Association](#) (SDA), the last bastion of the Catholic right in the Labor Party.

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Labor is managing its divisions smartly: clearly the handful of anti-marriage MPs were told they could vote no provided they did nothing to delay or water down the legislation. The same is not true of the government parties, where the marriage debate is caught up in the increasing febrile battles for control.

There will be further attempts in the lower house to introduce “religious freedom” protections into the legislation, despite the fact that it [already exempts](#) religious institutions from having to perform same-sex marriages.

In fact, the amendments the right seeks are largely attempts to water down existing anti-discrimination provisions.

### Focus on human rights

Much of the discussion has invoked “[human rights](#)”, not a concept that is often central in Australian political debate.

There’s a certain irony in members of a government that has long been engaged in rancorous debate with its own [Human Rights Commission](#) suddenly wanting to incorporate sections of international human rights law into domestic legislation.

“Human rights” are an abstract notion, which are created, protected and destroyed by political action. [Most countries](#) do not recognise human rights as encompassing sexual orientation and gender identity. This has been the subject of increasingly heated debates within United Nations forums.

Australia, like most of what we used to call “the Western world”, is committed internationally to the position Hillary Clinton articulated when she [pronounced](#) that “gay rights are human rights”.

Achievement of marriage equality is a further step towards recognition that discrimination based on sexual orientation and gender identity is unacceptable. Symbolically, this is a victory that goes far beyond marriage, even if it is not the support for political correctness that Turnbull’s

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predecessor, Tony Abbott, [foresaw](#) .

But the process has had significant costs, both for the principles of parliamentary government and for thousands of queer Australians, who felt abused and harassed by attacks from the “no” campaign.

As “yes” campaigner [Magda Szubanski said](#) :

The LGBTQI community were used as unwilling human guinea pigs in a political experiment. We may never know the exact human cost of this experiment. The truth is some of us did not survive this process.

### **New political challenges**

Szubanski may be exaggerating, but there is considerable evidence that many people found the protracted campaign very difficult.

Calls to help services for LGBTI people [increased considerably](#) . Material and emotional resources that could have gone into other issues were consumed by the marriage debate, although some newly energised young queers may now engage in broader political advocacy.

But most LGBTI Australians are very much like the rest of the country. The week after the poll result the Perth Pride committee [banned refugee advocates](#) from their parade.

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**Read more:** [What really lies behind conservative opposition to same-sex marriage?](#)

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Although the ruling was retracted under criticism, it was a reminder that the coalition around marriage was often born of immediate self-interest. Despite the language of rights and equality, many marriage advocates have little concern for broader issues.

In the fortnight between the announcement of the poll result and the Senate vote we saw both the [forcible removal](#) of men on Manus Island from one makeshift camp to another, and a long parliamentary process establish limited [right to die laws in Victoria](#) .

The latter was achieved without a poll or a plebiscite. This showed that parliaments can resolve difficult moral questions through their own processes. The former raised much more intractable questions of human rights than a change to the Marriage Act.

Marriage equality caught the public imagination, in part because despite the fears of the right there are no real losers if marriage is extended to more people.

As former British prime minister David Cameron said, he supported same-sex marriage because he is a conservative. Unfortunately, his Australian counterparts have a less generous vision of conservatism.

David Cameron speaks in support of same-sex marriage legalisation.

*Dennis Altman does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.*

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