

Summary of Submission from Hinton John Lowe to the Senate Inquiry into the Marriage Equality Amendment Bill 2009

1. The Bad Old Days

Illustration from personal experience of ways in which social norms of belief, attitude and action have prevented or at least constrained homosexual people from developing and functioning optimally and flourishing as fully included members of our society.

2. Lessons from the past and new thinking

Remedying harms from the past, and preventing future harm.

Optimising the social fabric of relatedness and the extension of the capabilities of gay people for flourishing lives, including inclusion and full participation in civil society, requires that government extend the legal framework for marriage to couples of the same sex.

3. Opposing claims

[3.1] Legalising marriage between gay people will not stop discrimination and persecution'

Rebuttal: It is an argument against a straw man. No-one is claiming that it will achieve that result; nor is the argument supporting the reform especially related to the prevention of such abuses and harms.

[Plus, if my late Addendum to the submission is accepted:

[3.2] Gay marriage is the thin edge of the wedge which will weaken and fragment the fabric of relatedness in our society.

Rebuttal: No evidence is adduced that these consequences will occur. In any case, the claim is implausible and counter-intuitive, as the contrary effect is both intended and likely]

4. Conclusion

Passing the law will improve both the lives of gay people and our society.

FROM; Hinton John Lowe

Date: 2 April 2012

**Submission to The Senate Inquiry into the Marriage Equality
Amendment Bill 2009**

1. The Bad Old Days

I grew up from later adolescence into adulthood through the 1960s [born in 1944]. I felt attraction to other males, of various ages, from early years, becoming aware of a degree of it as young as about four years old – and more intensely so from about twelve. I knew no name for it, and first intimations that it was regarded by at least some of my adult acquaintances when I began to show closer attachment to a male student classmate than was usual, and a keen interest in dressing up rather opulently and decoratively for a part in a school play! The Headmaster – as called in those days - prohibited the performance, with a vehement and public denunciation of the unmanly ‘display’, albeit quite mysteriously for me. Not so our beloved class teacher, who had encouraged the activity as part of our education. She was visibly enraged and distressed – but defeated too, needless to add. No doubt the true grounds of the homophobic Headmaster’s prohibition had been revealed to her in no uncertain terms!

Whilst I had no name, no language to articulate this experience, a meaning of it began to dawn on me, that in at least a view of some people around me, there was something bad about how I was feeling; and that it had something to do with my feelings towards others of my own sex.

The reasons were soon to become plain enough, of course, and some of the language too, terms such as ‘faggot’, ‘poof’, and ‘homo’ as well as a rather clinical, yet also disparaging word used more antiseptically – ‘homosexual’.

The sense grew that who I was, and how I was experiencing growing up, was viewed as inferior to how it was for other boys I knew, and that in these ways I could never be ‘complete’ or fully acceptable, as a person, let alone as a man. Eventually the repertoire of supposedly funny effeminate stereotypes in popular entertainment furnished some images, but were far from congruent with any ways I could or would wish to be or become.

In early adult years I experienced more dangerous threats to both my sense of who I was as a person – my ‘integrity’ – and my safety. Dragged from the car of some young men who had offered me a lift home from a pub bar, I was beaten and raped in a nearby park – escaping with my life, or at least from more serious injuries, only by the eventual intervention of one of the group whose pity I had aroused.

In another harmful situation, the family - parents and brothers - of my first lover, a student of my own age at Melbourne University, discovered our relationship. They then imposed a regime on him of complete loss of his freedoms in any activities away from home, or contacts by phone or mail, without full disclosure and supervision. In rebellion, on one occasion breaking the curfew, he drove with me at high speed into a solid brick wall. I have no doubt he intended to kill us both. Injuries were slight. We never saw one another again.

My distress and grief at that time caused my own family pity and great consternation. However, in line with prominent thinking of the time, their identification of the problem was my sexuality itself. It was regarded by many as a defect, a disability of sorts, even as a disorder: and which might therefore be amenable to treatment of some kind, preferably within the domain of the medical profession, especially psychiatry. Amongst the various modes, all since discredited, and even then virtually entirely lacking any evidentiary basis, was a treatment being administered by a group of psychiatrists whose work mainly centred in a private hospital in Kew – Newhaven. During overnight stays, ‘patients’ were injected with an hallucinogenic drug, LSD, and subjected, both while under its effects, and in ‘therapy’ sessions afterwards, to techniques of pseudo analysis and suggestion which were intended to result in loss of sexual attraction to members of the same sex.

I was never informed of the true intention and nature of these treatments. They were done without my consent. Had I known the intention, I am certain

that I would not have submitted to the treatment regime. Indeed, only after several sessions did I recognise what they were about, and extricated myself from the dependency which had been deliberately induced.

During the early stage of my undergraduate studies, I suffered continual flash-back hallucinations, and developed serious mood disorders of anxiety and depression. I discovered that alcohol relieved these feelings, so it became a remedy to which I have resorted again at other times throughout my life. I have no doubt that these problems were at least greatly aggravated by those pseudopsychiatric treatments – which in fact constituted breaches of my human rights, and serious abuse.

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I'm sure that I could have had a far more productive and satisfying life, in my various work projects and commitments over the years since, and a great deal more happiness, if the social and cultural and 'moralistic' environment of the times had been less negating and more conducive to developing self-understanding acceptance and confidence.

2. Lessons from the past and new thinking

In the decades since those bad times for homosexual people, much has changed for the better. In fact, vastly so.

Nevertheless there is still some way to go, if the conditions which can enable gay people to lead a flourishing life are to be equalised – to enjoy equality of *capabilities*, in the meaning of this word developed by the internationally renowned philosopher, Martha C. Nussbaum – in collaboration with the Nobel economist, Amartya Sen. It's a concept which, regrettably, seems not yet to have been picked up, or at least not been greatly noticed, on the Australian intellectual radar.

[Nussbaum, Martha C. (2011) *Creating Capabilities: The Human Development Approach*. The Belknap Press of Harvard U.P. Cambridge, Mass & London UK.]

It is along these lines, as I understand him, that the Australian philosopher, Raimond Gaita, defines what stands to be gained by extending the concept of *marriage*, and the term which expresses it, to intended lifelong

commitments of couples of the same sex who express their love for one another sexually.

Gaita has written:

Implicit in the marriage vow is a requirement to seek an ever-deepening understanding of the way love and sexuality enrich one another. It is an understanding of the place of sexuality in our sense of what it is to be human, and the requirement to seek it has no end.

<http://www.smh.com.au/opinion/society-and-culture/to-reject-gay-marriage-is-to-be-blind-to-our-common-humanity-20111130-1o6v7.html>

He argues that marriage, both as a form of commitment to love and care for one another by a couple; and also as an institution, and arrangement, recognised and validated publicly by the state, is a special way in which people can fulfill themselves together. It should be available to support that fulfillment therefore to all people, without differentiation by sex or any other relevant personal characteristic.

In this way too, couples of the same sex who choose to marry, can express their participation and commitment to full participation as a recognised couple, as citizens in the public life of the society. This too is one of the potential dimensions of a full and flourishing life.

3. Opposing claims

Many claims and even some arguments are promoted against the change which will be enacted in the proposed law. I have space and time to respond to just one of them.

It is the claim that the the change in the law will not stop the discrimination, abuse, and persecution, or the homophobia which can be expressed in those ways.

The claim is no doubt true. However, It is irrelevant. In fact, It can only be taken as a spurious device to mislead those who read or hear it from the actual arguments supporting the change. No-one is arguing that the change should be made in order to eliminate discrimination, abuse, persecution and phobia. Proponents of this objection are surely disingenuous, making mischief.

It is, however, true that recognition of same sex marriage will contribute to changing the social environment further away from the pernicious world of ignorance, prejudice and cruelty of the 60s which I described earlier in my submission, and which wreaked so much harm, and waste, on the lives of homosexual people – towards a place of greater safety and fulfillment, in which there is not only benevolence and acceptance; but also in which defence and protections can be counted upon from both fellow citizens, and the state itself.

So I will close with words said by another gay man of perhaps slightly older than I, but who had quite similar experience of the cruelties and harm:

Quentin Crisp on violent persecution:

‘It is not directed at a person, it is directed at anybody who is not likely to find defenders. During the course of your life you pile up a great deal of bitterness ... and one day you see someone whom no-one will blame you for attacking, and then all your bitterness pours out. And it doesn’t matter who it is That is why people attack the weak, homosexuals, but especially effeminate homosexuals.’

[Quoted in:

Rowe, Dorothy. (2007). *Beyond Fear – 20th Anniversary Edition*. Harper Perennial, London, Sydney. p 146-147]

4. Conclusion

The new law will help to reduce the cruelty, the harm, and the waste, of the lives of homosexual people; and create a social and cultural environment in which we can flourish and contribute best to our society.
rely have no exceptional politically legitimate entitlement.

Addendum to part 3 of Submission from Hinton John Lowe to the Senate Inquiry into the Marriage Equality Amendment Bill 2009

The second claim made by the opponents of the Bill which I wish to address is that extending the meaning and scope of the concept and practices and procedures of marriage to include homosexual people wishing to make the marriage vows or affirmations of a lifelong commitment to one another, will lead to weakening the relationships of marriage which people of different sex have made, or will enter in future.

And the alleged corollary of this:

That the fabric of relatedness which serves to maintain cohesion and cooperation, and hence stability, in our society will be weakened or even break down, if the meaning and practices of marriage are extended to include relationships between people of the same sex. Therefore, it is asserted, a consequence of the proposed change would be a catastrophic breakdown of our society and its values.

In response to this argument, which is of the same nature as scaring claims which have been made by opponents of every social reform through legislation which threatens the presumed authority of the patriarchal authoritarian hierarchies which govern some of the most prominent, if not the most popular, of our institutions of religion, to define and impose moralist prescriptions; the same challenge should be made: **PRODUCE THE EVIDENCE!** Significantly, no evidence of the predicted harms has been adduced from the effects of the legal recognition of marriage between couples of the same sex in the now numerous jurisdictions elsewhere it has occurred.

Claims might well even be made that, for instance, the GFC is such a consequence: but is as plausible as would be an allegation that the unwanted pregnancy of the neighbour's cat was a result of the recent marriage of a gay couple in the neighbourhood!

The similar dire predictions which the same religionists and their authorities have made regarding every other use of the law for major social reform in the past, have not come to pass. Indeed, the predominance of large social benefit over any relatively few alleged instances of negative effects arising

from earlier major reforms of social law - removing criminal sanctions against consenting sexual behaviours between adult males ('homosexuality'); abortion law - provides strong indications that the fears of the Jeremiahs of the resulting dissolution of society have been unfounded.

In any case, it is contrary to clarity in thinking and understanding of the nature of the proposed new changes that society will be weakened or fragmented by them. For it is of the very nature of these changes to extend the special closeness of the marital relationship bonds affirmed and enshrined and sanctioned by the state, that social inclusion and cohesion will be extended and strengthened by the new procedures, practices, lifelong commitments and aspirations of marriage between people of the same sex. That strengthening would undoubtedly occur also in the relationships between the newly married couples and the communities and other individuals with whom they also have relationships.

That is to say, it is surely reasonable to expect, if not predict, that the changes will strengthen and reinforce the fabric of relatedness in our society, rather than weaken or fragment it.