

The Universal Declaration of Human Rights of 1948 proclaims that "[a]ll human beings are born free and equal in dignity and rights". Yet for much of modern history, in most parts of the world, those members of the human family who have happened to be same-sex oriented have been denigrated, marginalised, abused and oppressed, in some cases violently. This has been a cause of unnecessary, and immeasurable, human suffering for far too long.

The ability to experience love and physical intimacy with the object of one's attraction (and to do so openly and without fear of persecution) is an essential element of a healthy, rational and happy human existence. Without this freedom one is forced into a life of constant fear, anxiety and in many cases self-loathing. Too many have been driven to suicide, rejected by their families (or their governments) and denied the opportunity to achieve their full potential in life simply because of unfounded prejudice. In some cases hatred of same-sex attracted individuals has taken on proportions normally reserved for murderers and child rapists.

Today in the modern West, thanks to many courageous activists and purveyors of reason, we have made much progress in dismantling these irrational prejudices. Yet the task is still not complete. For as long as the state continues to declare, through its laws and administrative actions, that people in same-gender relationships are not worthy of equal status before the law, it continues to provide a pillar of validation for all of those harmful prejudices.

Well organised lobby groups of a religious nature have mobilised to oppose marriage equality and have been particularly successful in inundating parliamentarians with letters and emails demanding that the "traditional" definition of marriage be maintained. These groups do not merely demand the right to practise their faith and express their religious views without interference; they also demand the right to legislate their religious views so as to make them binding on the entire nation, including those who do not share their religious beliefs. This way of thinking is essentially theocratic and has no place in a modern secular democracy.

When one scratches beneath the surface it becomes clear that these lobby groups have no new or scientifically sound arguments to offer in support of their position. It has been suggested that legal recognition of same-sex marriages cannot occur without the destruction of the child-rearing function of marriage. This, it has been said, is one of the essential stabilising pillars of society- and it is indeed a truism that without a loving and stable home environment a child will have difficulty assuming his or her rightful place as a productive and balanced member of society. Yet this argument is unsustainable for two reasons. First, it ignores the fact that many committed same-sex couples have in fact raised productive, happy and healthy children. Secondly, it ignores the fact that the ability to procreate with one's partner is not actually a legal prerequisite for a valid marriage in Australia or any other modern democracy. As Chief Justice Marshall of the Massachusetts Supreme Court put it in her judgment in the marriage equality case in that state:

People who have never consummated their marriage, and never plan to, may be and stay married. People who cannot stir from their deathbed may marry. While it is certainly true that many, perhaps most, married couples have children ..., it is the exclusive and permanent commitment of the marriage partners to one another, not the begetting of children, that is the *sine qua non* of civil marriage.

This is also the case in Australia today.

Finally, there is the rather bizarre argument that recognition of same-sex marriages will inevitably lead to the legalisation of polygamy or other unions that are considered undesirable, such as incestuous marriages. This has not happened in any comparable jurisdiction that has legalised same-gender marriages. It has not happened in Canada, Spain, Sweden, Norway, the Netherlands or any of the various American states that allow same-sex marriages. Further, there is no obvious sign that the Australian electorate is prepared to countenance it here.

One hundred and ten years ago (and almost fifty years before the promulgation of the Universal Declaration of Human Rights) the Australian Federal Parliament extended the franchise to all adult women, blazing a trail of social reform for other nations to tread in the years that followed. Looking back after the passage of more than a century, a society in which women are denied the right to vote in elections and stand for parliament seems almost unthinkable to us. Yet at the time of their enactment these reforms were highly controversial. Those who today say “no” to marriage equality will ultimately be relegated to the same pages of the history books as those who said “no” to female suffrage at the beginning of the twentieth century. Now is the time to say “yes” to equal marriage.