

Same Sex Marriage in Australia

Australian law in relation to same sex marriage is effective to a certain extent due to the law reforms supporting de facto couples. However, the law remains largely ineffective as it fails to protect individual rights, adhere to new concepts of justice and reflect society's changing morals and values towards same sex marriage.

Marriage is the the legal or formal recognition of a union between two people as partners in a personal relationship. Traditionally, this union is specifically between a man and a woman. The definition of marriage has changed overtime and in order for the law to be deemed accurate and fair, it must adapt and change in order to reflect society's morals and values in today's modern world. Australian law has been reformed in order to accommodate these new changes in one aspect as it has introduced the concept of a de-facto relationship. A de facto relationship is defined in Section 4AA of the Family Law Act, 1975. The law requires that an individual and their former partner, who may be of the same or opposite sex, have a relationship as a couple living together on a genuine domestic basis. This reform proves that the law is effective because it recognises same sex couples and the changing values and morals of society.

This recognition is important because it also introduced and granted legal rights to same sex couples, as many are in de facto relationships. Under the 'Family Law Act', de facto couples have the same rights as married couples in regards to the division of property. The act itself also outlines the laws regarding property division, maintenance, financial agreements and the superannuation of people in de facto relationships. Unfortunately, a reason that the law is limited in its effectiveness in relation to same sex couples in this instance, is the fact that Australian law is lagging behind the ever changing values of society as countries such as America and more recently Germany, embrace marriage equality. "Two-thirds of Australians think that everybody should have equal access to express their love and commitment to their partner through marriage if they choose." (Amnesty International, 2017) The fact that so many Australians are accepting same sex couples and protesting for marriage equality alongside a major agency of law reform such as Amnesty International, proves that the legal system must also be willing to implement new and improved reforms as the number of supporters increases.

However, the law is still limited in relation to marriage equality because it has only reformed to recognise de-facto couples and does not completely take into account the rights of other individuals - mainly those in same sex relationships that seek a legal marriage in Australia. The quote mentioned previously by Amnesty International also links to this aspect because the law is clearly lacking, as it is unable to protect the individual rights of same sex couples. They do not have the fundamental rights of freedom of choice, freedom of expression and freedom from discrimination and the legal system is in a sense, discriminating against same sex couples because it does not allow them to have equal access to the law, fairness or equality because they do not have laws to apply/implement into their lives like other citizens or couples in society. An article published by 'The Weekend Australian' that has been shared countless times throughout the media, details how "72 percent of Australians strongly

Same Sex Marriage Essay

Mark Strasser



Same Sex Marriage Essay:

Debating Same-Sex Marriage John Corvino, Maggie Gallagher, 2012-06-01 Taking a point counterpoint approach John Corvino a philosopher and a prominent gay advocate and Maggie Gallagher a nationally syndicated columnist and co founder of the National Organization for Marriage consider key questions about the institution itself What is marriage for Is marriage meant to be a gendered institution Why is the state in the business of sanctioning marriage Where do the needs of children fit in Will legalization of same sex marriage lead to legalization of polygamy Corvino argues that society should support same sex marriage because of its interest in supporting stable households for all its members gay and straight alike Gallagher argues that government recognition of same sex unions as marriages will disconnect marriage from its key public mission furthering responsible procreation while stigmatizing traditional views of sex marriage and family as bigotry Both agree that the issue deserves thoughtful rigorous engagement

Marriage and Same-Sex Unions Lynn D. Wardle, Mark Strasser, William C. Duncan, David Orgon Coolidge, 2003-04-30 This book exemplifies the high quality of thoughtful discussion and debate that is possible on the issue of same sex marriage Authors are paired to address and respond to a particular topic one in favor of state recognition of same sex relationships and one in favor of limiting state recognition to those relationships that have been traditionally recognized as marriages Proposals to legalize same sex marriage evoke strong response from those on both sides of the debate Much has been written about the legal policy issues over the legal recognition of same sex unions in the United States yet there has been little dialogue and exchange between participants in the debate This book attempts to open that dialogue and to exemplify the high quality of thoughtful discussion and debate that is possible Authors are paired to address and respond to a particular topic one in favor of state recognition of same sex relationships and one in favor of limiting state recognition to those relationships that have been traditionally recognized as marriages This ideal introduction is designed to lead the reader through the relevant issues progressing from the general to the particular Debates are contextualized offering comparative historical and family policy perspectives asking fundamental questions such as what is the purpose of a family and what interests if any that state has in promoting a particular type of family over others Issues of jurisprudence and political philosophy are examined addressing the public benefits of marriage and equal treatment before the law among other items The constitutionality of same sex marriage or domestic partnership policies is explored Finally this book covers the broad implications when states such as Vermont legally recognize same sex unions and the impact of international recognition of same sex marriage rights

The Essay At the Limits Mario Aquilina, 2021-04-08 In the hands of such writers as Rebecca Solnit Claudia Rankine David Shields Zadie Smith and many others the essay has re emerged as a powerful literary form for tackling a fractious 21st century culture The Essay at the Limits brings together leading scholars to explore the theory the poetics and the future of the form The book links the formal innovations and new voices that have emerged in the 21st century essay to the history and theory of the essay In so doing it surveys the essay

from its origins to its relation to contemporary cultural forms from the novel to poetry film to music and from political articles to intimate lyrical expressions The book examines work by writers such as Theodor W Adorno Kwame Anthony Appiah Francis Bacon James Baldwin Roland Barthes Maurice Blanchot Ta Nehisi Coates Annie Dillard Brian Dillon Jean Genet William Hazlitt Samuel Johnson Karl Ove Knaussgaard Ben Lerner Audre Lorde Oscar Wilde Michel de Montaigne Zadie Smith Rebecca Solnit Wallace Stevens Eliot Weinberger and Virginia Woolf From Civil Partnership to Same-Sex Marriage Nicola Barker, Daniel Monk, 2015-04-17 The Civil Partnership Act 2004 and the Marriage Same Sex Couples Act 2013 are important legal social and historical landmarks rich in symbolic material and cultural meanings While fiercely opposed by many within mainstream narratives they are often represented as a victory in a legal reform process that commenced with the decriminalisation of homosexuality Yet at the same time for others they represent a problematic and ambivalent political engagement with the institution of marriage Consequently understood or labelled as revolutionary progressive and conservative these legal reforms provide a space for thinking about issues that arguably affect everyone regardless of sexual orientation or relationship status This edited collection brings together scholars and commentators from a range of backgrounds generations and disciplines to reflect on the first ten years of civil partnerships and the introduction of same sex marriage Rather than rehearsing the arguments for and against relationship recognition the essays ask original questions draw on a variety of methods and collectively provide a detailed and reflective snap shot of a critical moment a history of the present as well as providing a foundation for innovative ways of thinking about and engaging with the possibilities and experiences arising from the new reality of relationship recognition for gays and lesbians **The Challenge of Same-Sex Marriage** Mark Strasser, 1999-09-30 In November 1998 the Hawaii and Alaska electorates voted to amend their state constitutions so that same sex marriages would not have to be recognized Rather than end the controversy surrounding same sex marriages the passage of these amendments will only spur more litigation because the referenda themselves implicate constitutional guarantees and because amending a state constitution cannot lessen federal constitutional protections Since same sex marriages promote many of the same individual and state interests that opposite sex marriages do states will be unable to justify their same sex marriage bans if those rationales are closely examined When challenged the recent constitutional amendments in Hawaii and Alaska may well be held unconstitutional by the state supreme courts on federal constitutional grounds although ultimately the United States Supreme Court will likely be asked to resolve the relevant issues Suppose that state same sex marriage bans are held not to violate federal constitutional guarantees but that one state nonetheless recognizes such unions The other states will be permitted to refuse to recognize marriages celebrated in that state only if certain conditions have been met Contrary view notwithstanding the law of nature exception will not apply in this case Further even the Defense of Marriage Act will likely not afford states the right to refuse to recognize any and all same sex marriages validly celebrated in sister states **Reader's Guide to Lesbian and Gay Studies** Timothy

Murphy,2013-10-18 The Reader's Guide to Lesbian and Gay Studies surveys the field in some 470 entries on individuals Adrienne Rich arts and cultural studies Dance ethics religion and philosophical issues Monastic Traditions historical figures periods and ideas Germany between the World Wars language literature and communication British Drama law and politics Child Custody medicine and biological sciences Health and Illness and psychology social sciences and education Kinsey Report Essays on Various Topics Eric Schiltz,2015-02-23 This book of essays is a hodgepodge of topics It contains essays on education ethics animal rights Common Core State Standards and government among others *Novus Ordo Seclorum: Essays on Catholics and the United States* Robert Klein Engler,2015-04-19 Recently published articles on Catholics and US politics that deals with same sex marriage illegal immigration and other social issues The Politics of Same-Sex Marriage Craig A. Rimmerman,Clyde Wilcox,2007-10 Same sex marriage emerged in 2004 as one of the hottest issues of the campaign season But in a severe blow to gay rights advocates all eleven states that had the issue on the ballot passed amendments banning the practice and the subject soon dropped off the media's radar This pattern of waxing and waning in the public eye has characterized the debate over same sex marriage since 1996 and the passing of the Defense of Marriage Act Since then court rulings and local legislatures have kept the issue alive in the political sphere and conservatives and gay rights advocates have made the issue a key battlefield in the culture wars The Politics of Same Sex Marriage brings together an esteemed list of scholars to explore all facets of this heated issue including the ideologies and strategies on both sides of the argument the public's response the use of the issue in political campaigns and how same sex marriage fits into the broad context of policy cycles and windows of political opportunity With comprehensive coverage from a variety of different approaches this volume will be a vital sourcebook for activists politicians and scholars alike *As Long as We Both Shall Love* Karen M. Dunak,2013-08-30 In *As Long as We Both Shall Love* Karen M Dunak provides a nuanced history of the American wedding and its celebrants Blending an analysis of film fiction advertising and prescriptive literature with personal views from letters diaries essays and oral histories Dunak demonstrates the ways in which the modern wedding epitomizes a diverse and consumerist culture and aims to reveal an ongoing debate about the power of peer culture media and the marketplace in America Essays on Faith, Politics, Culture, and Philosophy Andrew J. Schatkin,2016-07-13 This book is a series of essays in the area of current culture and its defects Christian religious belief and other political and philosophical issues A number of topics are considered in the book including the continued re emergence of the church in Africa and Asia the meaning of poverty and its implication for Christians in the life of Christ and the church the status of women in the Church the issue of abortion the contrast between the visible and invisible church and the interaction between Christ and culture Other essays consider the role and nature of Satan Jesus as revolutionary and the existence of angels and demons In addition some essays include an analysis of the decline of the American Middle Class the nature of American Culture the money culture and many other topics which no doubt will be of value and interest to the reader **Same-Sex Marriage**

and American Constitutionalism Murray Dry, 2017-12-12 The two decades long controversy over same sex marriage in the United States was finally resolved on June 26 2015 when the U S Supreme Court handed down its decision in *Obergefell v Hodges* which held that the Fourteenth Amendment's Due Process and Equal Protection Clauses required states to allow same sex couples to marry on the same terms as opposite sex couples Under our American system of government divisive and often abiding disputes may be resolved either through legislation or judicial decisions In *Same Sex Marriage and American Constitutionalism* Murray Dry explains why the process by which Americans arrive at these resolutions can be as important as the substance of the resolutions themselves By taking up the question of same sex marriage Dry excavates the bases of why and how Americans decide as we do and as we have done when major questions arose in the past think school integration abortion gun control and campaign finance As Professor Dry retraces the path that same sex marriage took as it wended its way through the political that is the legislative process and through the court system he finds a vivid framework for the question Who should decide It's a question often overlooked but one that Dry believes should not be He argues convincingly that it does matter whether the Supreme Court or the legislature makes the final decision so that court mandated law does not threaten democratic representative government and so that legislation does not trample on fundamental constitutional rights

The Queerness of Home Stephen Vider, 2022-01-21 Stephen Vider considers how the meanings of domesticity shifted for gay men and lesbians from the late 1960s to early 1980s from a site of supposed isolation or deviance to a source of identity community and pleasure His manuscript reveals the multiple uses appeals and limits of domesticity for LGBTQ people in the post World War II period in their efforts to make social and sexual connections and to appeal for expanded rights and freedoms For example the 1970s witnessed an efflorescence of gay communal households that proved to be seedbeds for alternative modes of domesticity using the privacy of domestic space to achieve broader social and political changes Vider brings a novel perspective to gay identity and culture examining domesticity as a meeting point between practices and discourse the local and national the private and the public

The Public Insult Playbook Ruth Colker, 2021-10-26 The rules of the public discourse game have changed and this book argues that the political left needs to account for the power of vitriol in crafting their theories for social and political change Ruth Colker offers insights into how public insults have come to infect contemporary public discourse a technique not invented by but certainly refined by Donald Trump and importantly highlights lessons learned and tools for fighting back Public insults act as a headwind and dead weight to structural reform By showcasing the power of insults across a number of civil rights battlegrounds Colker uncovers the structural nature of personal attacks and offers a blueprint for a legal and political strategy that anticipates the profound but poorly understood damage they can inflict to whole movements The book catalogues how public insults have been used against people with disabilities immigrants pregnant women women seeking abortions women who are sexually harassed members of the LGBTQ community and of course Black Americans These examples demonstrate both the pervasiveness of

the deployment of insults by the political right and the ways in which the left has been caught flat footed by this tactic She then uses the Black Lives Matter movement as a case study to consider how to effectively counter these insults and maintain an emphasis on structural reform

Contemporary Moral Issues Lawrence M. Hinman, 2016-07-01 Contemporary Moral Issues is an anthology that provides a selection of readings on contemporary social issues revolving around three general themes Matters of Life and Death Matters of Equality and Diversity and Expanding the Circle which includes duties beyond borders living together with animals and environmental ethics The text contains a number of distinctive high profile readings and powerful narratives including Jonathan Foer's Eating Animals Eva Feder Kittay's On the Ethics of Selective Abortion for Disability and Susan M Wolf's Confronting Assisted Suicide and Euthanasia My Father's Death Each set of readings is accompanied by an extensive introduction a bibliographical essay pre reading questions and discussion questions

Thoughts on A Pagan Life: Collected Essays Shanddaramon, 2010-08-24 A collection of essays by the Pagan author Shanddaramon

English B for the IB Diploma English B Coursebook Brad Philpot, 2018-06-14 A dynamic and engaging course with relevant authentic texts accompanied by creative activities Explore the five new themes Identities Experiences Human Ingenuity Social Organisation and Sharing the Planet with this clearly structured coursebook With over 50 per cent new content lots of text handling exercises and more than 15 audio handling exercises for listening practice this book helps students tackle the updated English B for the IB Diploma syllabus Sample exam material new content for SL and HL oral assessments and references to online videos provide opportunities for students to develop their skills Answers to coursebook questions are in the teacher's resource and audio for the listening practice is online

The Village Proposal Christopher Paslay, 2011-09-01 The Village Proposal is based on the African proverb that it takes a village to raise a child Part education commentary part memoir the book analyzes the theme of shared responsibility in public schools and evaluates the importance of sound teacher instruction the effectiveness of America's teacher colleges the need for strong school leaders and supports the need for strong parental and community involvement the effectiveness of multiculturalism and social justice in closing the achievement gap the relevancy of education policy the impact of private business and politics on schools and how the media and technology are influencing education

A Nation Under God? R. Bruce Douglass, Joshua Mitchell, 2000 A Nation under God is a collection of original essays by political and legal theorists on the future of religion as an active influence in American public life This book displays a distinctive set of arguments on topics that range from the ethics of religious witness in public life to the future of civil religion in America

Legal Recognition of Same-Sex Partnerships Robert Wintemute, Mads Tønnesson Andenæs, 2001-10-13 In this book an international team of scholars examines both theoretical issues and the wide variety of legal developments in various countries

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