

**Same Sex Relationships
(Dr. John Gosling, Psychiatrist.)
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Summary:

- Homosexuality is a *normal variant of the spectrum of human sexuality*.
- Mental health professionals worldwide have concluded that a homosexual orientation is *unchosen and unchangeable*.
- The scientific literature, covering many studies over several decades, shows that *children of same sex parents do as well in every way as their counterparts raised in heterosexual households*.
- In most societies, including our own, *civil marriage is regarded as one of the most important settings for the socialisation and education of children*.
- However, *same sex parents or potential parents, have absolutely no access to civil marriage and its protections in South Africa*.
- This *penalises children* by depriving them of State benefits accorded children of married heterosexuals.
- This *contradicts the "equal rights" clause of the South African Constitution*.
- In countries where civil marriage is available to homosexuals, life has not changed for the heterosexual majority nor have societal values crumbled.
- Same sex couples are an *untapped resource* that can offer the many children in our country in need of *love, protection and guidance a stable family environment* in which they can thrive.

Despite the agreement of the health and mental health professions throughout the world (including South Africa), on the normality of homosexuality, controversy continues to surround this topic. In spite of the fact that mental health professionals throughout the world agree that a homosexual orientation is not a *choice*, but is an innate characteristic that reveals itself unbidden to the developing adolescent and adult, many still persist in incorrectly referring to homosexuality as a *choice*. Among experts in the field of human sexuality,

no one knows for sure what causes heterosexuality, let alone homosexuality or bisexuality.

Many children in our country ravaged by the HIV/Aids pandemic are desperately in need of loving caregivers that can provide them with a stable home environment. Many same sex couples are available and very willing to take in and rear these children in need of care.

However, the issue is often raised that same sex couples are unfit to raise children. There is a vast body of research on this subject over several decades. The consensus of all these studies shows that children of same sex parents do as well in every way as children whose parents are heterosexual. Not a single study to date has shown any lasting adverse effects on children raised by same sex couples.

Homosexual men and women, like heterosexuals, establish relationships that may be short term or long term. In most societies, including our own, civil marriage is regarded as one of the most important settings for the socialisation and education of children, precisely because it encourages parents to remain committed to each other and to their children as they grow.

However, same sex parents or potential parents, have absolutely no access to civil marriage and its protections in South Africa because they are forbidden from procuring a marriage license. It cannot be rational under our Constitution, and indeed it cannot be permitted, to penalise children by depriving them of State benefits because the Government disapproves of their parents' sexual orientation.

The question ought not to be whether children should be raised by same sex parents (as it has been clearly shown that children raised in such families do as well in every way as their counterparts raised in heterosexual families), but whether same sex parents should be allowed the right to enter into a civil marriage. If they are denied this basic right, they must simply live together as a family, with or without children, under a status less than marriage, with reduced recognition and support by the State.

In countries where civil marriage is available to homosexuals, namely,

- The Netherlands, 2001;
- Belgium, 2003;
- Massachusetts, USA, 2004;
- Canada, 2005;
- Spain, 2005,

life has not changed for the heterosexual majority. Societal values have not crumbled nor has the very fabric of family values been torn apart, as some have predicted would occur. Civil marriage by homosexuals, it has turned out, is in fact good for family values.

Without question, civil marriage enhances the welfare of the community. Civil marriage anchors a society by encouraging stable relationships over transient ones. Where a married couple have children, their children are also directly or

indirectly the recipients of the special legal and economic protections obtained by civil marriage. Marital children reap a measure of family stability and economic security based on their parents' legally privileged status that is largely inaccessible to non-marital children. They are also released from the still prevalent social stigma of being labelled as children from unmarried parents.

Some would argue that when a state allows civil marriage of same sex couples, the public will gradually become more accepting of homosexual orientation and behaviour. They will come to agree with professional mental health associations and recognise it as a normal, natural, *unchosen and unchangeable* sexual orientation for a minority of adults. This will reduce levels of discrimination, hatred, and oppression against gays and lesbians, and reduce the levels of ridicule that their children may receive from fellow learners.

All societies change and adopt more progressive attitudes and practices, albeit often more slowly than that mandated by any Constitution. Our Constitution is hailed internationally as one of the most progressive and egalitarian Constitutions in the world today. Our Constitution makes it clear that South Africa is founded on three foundational values: "human dignity, the achievement of equality and the advancement of human rights and freedoms." A stubborn persistence in maintaining the status quo in relation to denying same sex couples their Constitutional rights to choose to enjoy the privileges of civil marriage available to heterosexual couples is guaranteed to harm some children by depriving them of government support, health care, various protections, etc.

There are many children in our country in need of the love, protection and guidance offered by stable families. There is no doubt that this can be provided by many people in our rainbow nation of many diverse cultures and beliefs regardless of their sexual orientation.