

# WHY LIBERAL MPS SHOULD VOTE ACCORDING TO POLICY, NOT CONSCIENCE, ON MARRIAGE EQUALITY

Liberal politicians need to develop policy frameworks to address issues such as marriage equality, says **Peta Seaton**

In my 11 years in the bear pit of the NSW Parliament, the issues guaranteed to cause the most policy angst were not public debt or budget deficits, but stem cell research, abortion and gender rights. Compared to economic and public management issues, Liberal Party members of parliament were generally considered as having no party position on these ‘ethical’ issues, and if it came down to a division on the chamber floor, MPs were allowed to vote according to their conscience.

I never understood why so many Liberal members thought there was no liberal policy, or even a policy framework, to guide their decision on these issues, when the fundamental principles were set out more than 150 years ago by the Enlightenment founders of classical liberalism. (Or why we, apparently by implication, voted against our conscience on the other matters!)

After all, those of us who claim a classical liberal pedigree should be confident that the same principles that guide us to rational policy positions on private property rights, individual responsibility and reward, and the virtues of free markets would also lead us to clear policy positions on these very personal but social issues.

The Liberal Party should wholeheartedly support marriage equality, and do so on *policy*—not *conscience*—grounds. If it did so, marriage equality would already be law.

I welcome the evolving shift in popular sentiment for the legal recognition of gay marriage in Australia. But support should not be about a moment whose time has come, or inevitability, or the influence of popular TV shows like *Modern Family*. It should not be about being inclusive or fashionable, or the friend or relative of someone who wants to marry their same-sex partner—although

those things might legitimately play a part in our private response to the issue.

Legalising gay marriage is the logical consequence of applying the principles of classical liberalism to the public policy question. It is the right answer today—as it was a decade ago, and in the decades before that.

It’s exactly the same policy logic then Opposition Leader Nick Greiner applied in supporting Labor Premier Neville Wran’s 1984 bill to decriminalise homosexuality in NSW. Greiner carefully argued his defence of the right for consenting homosexual adults to conduct their relationships under the protection of the law, not because of fashion or the technical merit of the proposed law, but because ‘I am a Liberal.’

Despite this leadership, the consciences, rather than Liberal policy, helped pass the bill.

So-called ‘conscience’ issues create anxiety in most major parties. In my experience, Liberal MPs looked to their policy paradigms on most of the issues that came before parliament, but we are yet to fully separate faith and state on issues of sexuality and reproductive science.

This anxiety will only proliferate for parties that rely on conscience, not policy, for decision-making, as medical innovations increasingly make possible choices unimaginable in unassisted human biology.

My Liberal Party cohort in the NSW Parliament included people



**Dr Peta Seaton** was a Member of the NSW Parliament from 1996 to 2007. She is the editor of *What If?* (Connor Court, 2008).

of intense religious faith, a smattering of atheists, and everything in between.

Some of these friends and colleagues have explained to me—whether about abortion, disposal of embryonic stem cells, or the rights of gay partners to inherit superannuation entitlements—that their religious beliefs prevent them from supporting certain propositions.

By giving individuals in a party the ability to temporarily park a policy principle, and vote according to some other construct, is to let down voters who expect Liberals to be liberals. By interposing private morality selectively on policy, we destabilise the Liberal Party brand.

According to the Liberal Party statement of beliefs, ‘We believe,’ that brand includes defence of ‘the inalienable rights and freedoms of all peoples,’ ‘a lean government that minimises interference in our daily lives,’ ‘individual freedom and personal responsibility,’ ‘freedom of choice,’ and ‘equality of opportunity,’ along with the other fundamental principles of private property ownership, market competition, individual enterprise and responsibility, and the rule of law. (See Liberal Party of Australia, Western Australian Division, ‘We believe’; Liberal Party of Australia, ‘Our beliefs.’)

And if one were to accept that there are some issues on which it is OK for an MP to freelance and cross the floor of parliament, why should that person be able to use that opportunity to satisfy his or her own private conscience? Wouldn’t it be more democratic to vote as the majority of their constituents would like?

When the NSW Parliament considered embryonic stem cell research in 2003, Liberal MPs were granted a conscience vote. My liberal policy logic made me want to support the bill, but if it was to be a non-party platform vote, I took the view that it was not about *me*—it was about the people who had elected me to represent them. I circulated a survey to my electorate and the response was strongly in favour of the bill. And that’s how I voted. Happily, this matched both my private and policy view, but if it had been otherwise, the electorate view would have won.

Proponents of the classical liberal tradition believe that individuals should be trusted and free to make good decisions about their

personal commitments and relationships, without government looking in the bedroom door.

Whatever their gender, when two adults freely commit to each other for better or worse, they are likely to reduce demand on the state, and be more invested in their personal networks, neighbourhoods, and productive work. They are free to pursue their personal happiness. And they are causing no harm to others. For a true liberal, what’s not to love about that?

We don’t know whether John Stuart Mill had marriage equality in mind when he advocated the freedom for individuals ‘to unite for any purpose not involving harm to others; the persons combining being supposed to be of full age, and not forced or deceived’ (*Utilitarianism, Liberty and Representative Government; On Liberty*, 1954). He may never have contemplated the question of gay marriage but I am sure he contemplated that these principles should have utility in a future he knew would change—and which he worked to help change in relation to other issues.

A classical liberal voting for marriage equality on policy logic can legitimately hold a private or religious view that such relationships are not their own choice. They can even disapprove of gay marriage. They could resolve this tension with the acknowledgement that it is not their prerogative to impose their own faith-based or private values on other consenting private citizens, and that any moral responsibility (if such is required) for the gender-equality decision is purely for the individuals involved.

The principles of classical liberalism give Liberals all the intellectual resources they need to prosecute these complex issues, without resorting to mixing faith, state and private views in ways that contradict democratic accountability.

What is unconscionable is to deny the logic of good policy. These issues will not go away. We can expect that with rapidly developing scientific output and its social consequences, democracies will face more of these issues more regularly. By putting faith in liberal precepts rather than conscience to consider these issues, the Liberal Party will be in a stronger position to demonstrate a consistent liberal approach and bring more of the community into its confidence.