

PHI 169 - Fall
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We have Seen Two Ways to Look at
the Issue of Same Sex Marriage

In Deciding Whether to Allow Same Sex Marriage, There Are Two Questions We Can Consider

What is the correct definition of marriage? What is the true purpose of marriage?
(Keynes)

If the correct definition is a union between a man and woman because the purpose of marriage is procreation, then same sex marriage cannot be a marriage.

What greater and tangible harm results from legalizing same sex marriage? (Posner)

*If no greater and no tangible harm results from legalizing gay marriage, then **same sex marriage cannot be prohibited.***

Which is the most important question?

Let's Turn to Moral and Religious Considerations...

Can Religious Arguments Be Part of Political Debates?

What is “Normal”?

<http://www.youtube.com/watch?v=CnOJgDW0gPI>

Neither Against, Nor In Favor —
Civil Unions

Obama's Position (*in 2004!*)

<https://www.youtube.com/watch?v=NXJ3V55ii-U>

Marriage is between a man and a woman because they get married in front of God.

Marriage is not a civil right, but, for example, inheritance right is a civil right.

Yet, lesbians and gays should be afforded the **same legal rights** as heterosexual couples (e.g. inheritance rights, property rights, pensions, health benefits, etc.) in the form of a *civil union*, not necessarily through *marriage*.

If civil unions give to homosexual couples the same legal rights as marriage, why is same sex marriage needed at all?

https://www.youtube.com/watch?v=vTE9zWaQc_Y

Suppose civil unions are legalized. Which of the following arguments support same sex marriage (*in addition to civil unions*)?

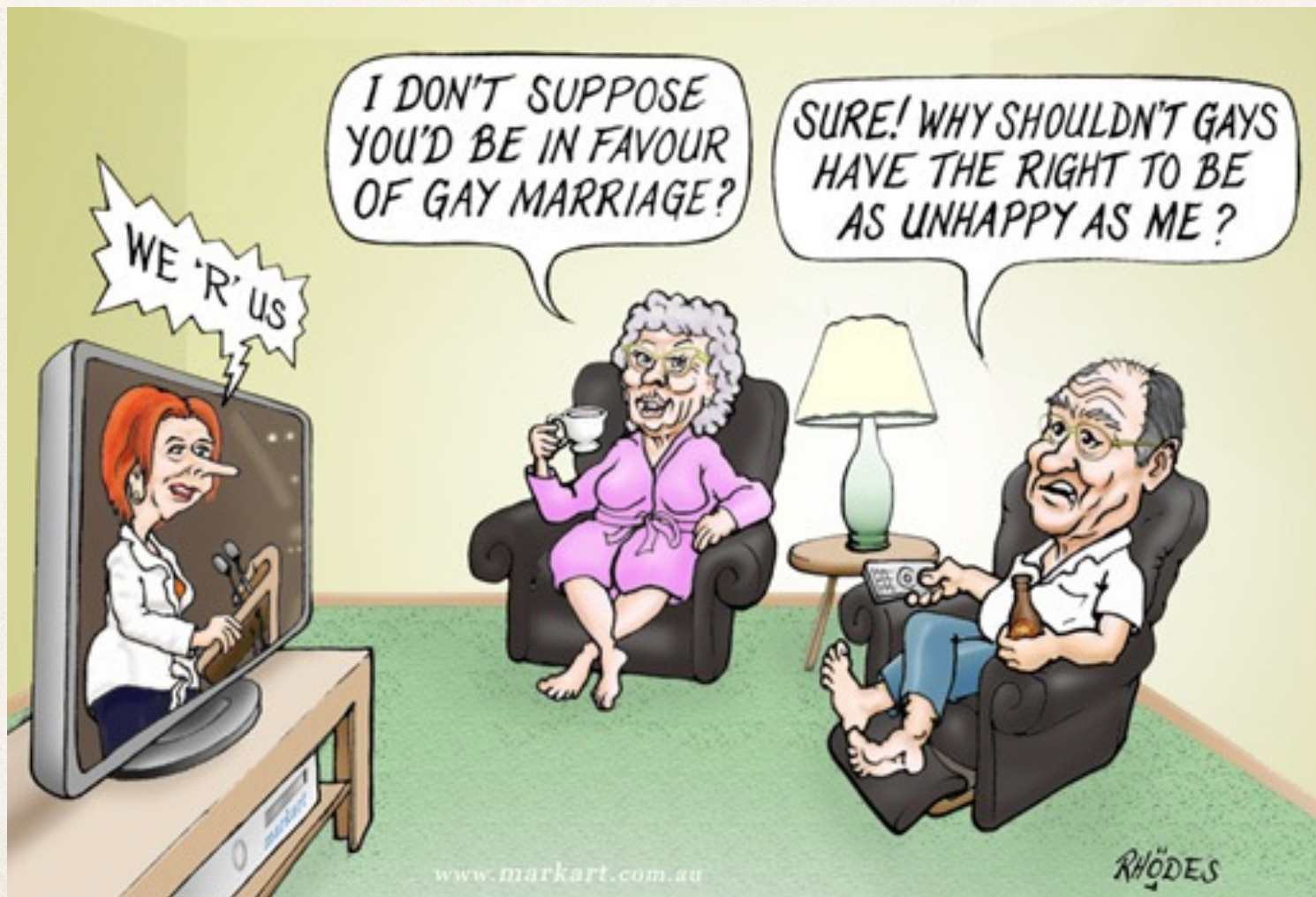
- Prohibiting same sex marriage is **discriminatory**
- Marriage gives financial benefits, tax breaks, inheritance rights etc. to married couples. Why deny this to same sex couples?
- Banning same sex marriage perpetrates a stigma against homosexuals

Summary So Far

1. Examination of arguments for / against gay marriage
 - Common procreation argument
 - Argument based on the economic benefits resulting from gay marriage
 - Equality / non-discrimination argument
2. Comparison of arguments
3. Different questions (*e.g.* “what is marriage?” *vs.* “what’s the harm?”)

4. Questioning the Ideological Assumptions

If Marriage Is So Bankrupt, Why Do People Care So Much About it?



What Is Marriage Really For?

Marriage as an Instrument of Male Domination and Wealth Accumulation

“Monogamy arose from the concentration of considerable wealth in the hands of a single individual man—and from the need to bequeath this wealth to the children of that man and of no other. For this purpose, the monogamy of the woman was required, not that of the man, so this monogamy of the woman did not in any way interfere with open or concealed polygamy on the part of the man.”

Frederick Engels, *Origins of the Family, Private Property and the State*, II.4

Love — Seriously?

“while the contemporary Western ideal of marriage involves a relationship of love, friendship, or companionship, **marriage historically functioned primarily as an economic and political unit used to create kinship bonds, control inheritance, and share resources and labor.** Indeed, some ancients and medievals discouraged ‘excessive’ love in marriage. The ‘love revolution’ in marriage dates popularly to the 18th century.”

Brake "Marriage and Domestic Partnership",
The Stanford Encyclopedia of Philosophy (Fall 2012 Edition),
<http://plato.stanford.edu/archives/fall2012/entries/marriage/>