



## Legalization of Same Sex Marriage

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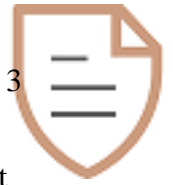
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Although same-sex marriage is legal in 37 states, there are still 13 states that have partial or full bans on same-sex marriage (Karimi and Pearson, 2015). This represents an outdated, unnecessary bias that goes against fundamental human rights, and reflects a mindset of intolerance and prejudice against homosexual couples. Therefore, same-sex couples should be afforded all the rights of any two persons who wish to become married, and these should be federally mandated, which means that no state should be able to ban two persons of age who wish to get married regardless of sexual orientation. By protecting same-sex couples under a federal mandate, such as an amendment to the Constitution or other form of federal law, the inherent bigotry against same-sex marriages will be reduced, and there will be more progress and positive social and cultural change as a result.

The first reason bans on same-sex marriages should be removed is because this type of ban is outdated, and represents views from a previous time when homosexuality was still considered to be a deviant behavior. Before 1973, the DSM, or the main list of mental disorders as defined by the American Psychological Association, listed homosexuality as deviant behavior. This was before science determined that homosexuality is not a mental disorder; after 1973, including the current version of the DSM-V (2013), no science-backed psychologist will make the claim that homosexuality is deviant. It is less common than heterosexual relationships, but it is not a mental disorder, and therefore is not considered to be deviant. However, state bans on same-sex marriages, with many of these states being in the American South, still continue to exist. In other words, there are still laws that prohibit two individuals from becoming married, even when there is no scientific evidence that homosexual behavior is deviant.



Because homosexuality is considered a normal behavior by modern society, bans against same-sex marriages are not grounded in science, but rather point toward specific forms of intolerance. Many states that currently ban same-sex marriages used to have strict laws against interracial marriage, until they were forced to overturn these laws as being a violation of basic rights (Eskridge, 2006). Just as how laws against interracial marriages were misinformed and based on bigotry and intolerance, laws against same-sex marriages follow along the same pattern.

In addition to reasons based on intolerance and bigotry, bans on same-sex marriages represent an unnecessary invasion of privacy, and a preoccupation with how two consenting adults choose to live. There should be no reason why society should mandate that two people who wish to become married cannot do so, provided both are of legal age. This is an imposition of societal views on the private individual, and would seemingly go against fundamental human rights. At worst, this is an intrusive restriction on liberty, and at best, this is an intrusion on the privacy of an individual. Even if there is widespread disapproval of same-sex relationships within a certain community, it is not the role of government to legislate who can and who cannot become married.

Counterarguments to this theory might include that same-sex relationships are inherently deviant, and therefore they should not be allowed to be married; however, this view has already been refuted by psychologists and sociologists, and homosexuality has been present throughout history (Baunach, 2012). Even ancient societies, such as the Greeks, did not have negative attitudes toward homosexuality and did not make the distinction that sexuality could only be expressed between a man and a woman (Baird and Rosenbaum, 2004). Therefore, this counterargument does not have much merit, because it supposes there is only one normal way to

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express marital love, when historians, scientists, and sociologists would all agree with this sentiment. Additionally, a second counterargument might be that same-sex couples can live under a domestic partnership, but this would not be the same definition as marriage. However, the reason the definition of marriage has significance is because there are certain tax breaks and other legitimate reasons, such as adoption, that specifically view marriage as a certain qualifying condition. The creation of a category of legalized domestic partnerships is a thinly veiled way to keep these benefits that come with marriage from applying to same-sex couples. The reasons for wishing to introduce new categories is wholly unnecessary, and serves to only continue biased practices while also continuing to marginalize a specific population, for no other reason than it goes against biased beliefs.

Same-sex marriage should therefore be legal in all fifty states, as this not only seems to be the ethical thing to do in regard to human rights and liberty, but also because continuing to band these relationships continues to further stigmatization against same-sex couples. These bans go against social progress, and there is no reason why they should be encouraged that do not involve bias, intolerance or bigotry. In order to ensure that no state can ban same-sex marriages, there would need to be a clear federal mandate that supports the rights of same-sex couples, which would be done by Constitutional amendment or other federal law. The counterarguments against same-sex marriages are weak, because they are only thinly-veiled attempts to further views of intolerance and bigotry. Because same-sex couples have the same rights as everyone else, and because homosexuality is considered a normal and non-deviant behavior, these rights should be protected under federal law.



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