
The History of the Controversial Issue of Same-sex Marriage in the United States

Same-Sex Marriage

Marriage is both a central and ubiquitous issue in the society since every religion, social class, race, and ethnicity embraces it. For most people in the society, marriage is the key to the pursuit of happiness, something that most people admire. The issue of same-sex marriage has been controversial in the world for several decades as the public opinion on the topic seem to be ever evolving. There are several religious and political groups who are deeply opposed to the issue of same sex-marriage with the view that such unions are acts of sin. However, some nations such as the United States of America have constituted laws that protect gay marriages; hence making such unions legal. Despite the social and legal changes that occur globally, same-sex marriage remains a controversial issue since there are arguments for and against the issue of concern.

Historical Context of Same-Sex Marriage

The question of same-marriage has been of dispute since time immemorial in the entire globe, driven by the desire for freedom to marry. In the United States, for instance, the past forty years have been marked by serious conversations and debate surrounding the liberty to marry. The discussion of freedom to marry in the United States has been rooted in the desire for same-sex couples to express their love and commitment to each other similar to the manner in which different sex couples do throughout their marriage.

Historically, marriage has survived but the fight over gay marriage still continues. Traditionally, marriage has been a simple union of a man and a woman who are brought together by the desire to procreate. Across cultures, the structure of families varies drastically where some cultures encourage monogamy while others promote polygamous marriage. Some cultures also practice monogamy with the option of dissolving the marriage in case of unfaithfulness or failure to bear children. Moreover, some African and Asian societies tolerated same sex-marriage though it was not seen as sexual. In such communities, one partner took on the social role of the opposite gender. Inuit people in the Arctic are said to have formed co-marriages whereby two husband-wife couples used to trade partners, an arrangement that ensured peace between clans. Another cultural practice was witnessed in some South American tribes where an expectant woman could take lovers to be all responsible for her child (Eskridge Jr. 1419).

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The many traditional practices concerning marriage have been erased by the increasing globalization although some practices have persisted. Same-sex marriage has remained a powerful idea even after being invalidated by the Marriage Act of 1753 in England. In the United States, informal marriage was widespread and generally accepted. It was accepted throughout the 19th and into the 20th century if a man and a woman lived together as a husband and a wife. It was presumed that such people were married. For same-sex couples, it was difficult to determine when the couples started thinking of themselves as married. It is also difficult to determine how such unions were viewed by the people around them. It, therefore, turns out that same-sex marriage has a rather longer history than it is usually thought

However, the issue of same-sex marriage depends on individual definition and understanding of the issue of marriage. Gay marriages can be traced back to the history of many Native American, African, and Asian cultures. Again, religious ceremonies in which two men who love each other and are solemnly wedded for life can be traced to European countries, throughout classical antiquity and until the end of the middle ages. Gay marriages were entered into by kings and aristocrats and men of all social classes in the 14th century (Eskridge Jr. 1422).

In the modern times, Netherlands became the first nation in the entire globe to grant same-sex marriage rights to its citizens. Ever since, other nations have also enacted laws that protect same-sex marriages and the heterosexual community. Gay marriages were recognized by Belgium in 2003, Spain in 2005, Canada in 2005, and South Africa in 2006. Other states such as Norway, Sweden, Portugal, Iceland, and Argentina have also legalized same-sex marriages. In Mexico, same-sex marriage is recognized in all the thirty-one states but it is only carried out in Mexico City. The most recent case was in the United States where the Supreme Court legalized same-sex marriage in the country after a period of heated political and religious discussions concerning the issue (Lahey 19).

Same-Sex Marriage and the Constitutional Law

The institution of marriage accommodates many aspects of human life from sexual relations, friendship and companionship, child-bearing, taking care of children, and mutual responsibility. However, marriages can come into existence without any of the aspects of human life. The constitutions in most countries have granted marriage to sterile people and those who are too aged to bear children. The constitutions of many countries have also provided those who are very irresponsible as well as those who are incapable of loving with marriage licenses. Factors such as importance, lack of interest in sex, and denial of conjugal rights may be a platform for divorce but they do not define or preclude marriage. The constitution, therefore, defines marriage as a union where the mentioned conditions may not even be present. Research indicates that marriages, where the human aspects do not exist, are often unhappy unions. The human aspects can exist outside marriage as it is evidenced by the fact that many couples who

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are not married get intimate and form a friendship of mutual responsibility. Same sex marriages are defined and cannot be stopped as stated by the constitutions of most developed nations. Countries such as the United States define gay marriages as unions between two men who live in a friendship of mutual responsibility despite the fact that they cannot bear children (Gerstmann 4).

Despite being protected by the constitution, experts and marriage advisers note that most gay marriages are not often happy since it does not satisfy many human aspects such as child-bearing. However, same-sex couples in the modern world have opted to child adoption as a way of making their marriage happy and mission oriented. Gay couples in the recent times have a vision of rearing adopted children by themselves to make them better people in the society. Moreover, married people in most developed countries are entitled to government benefits as a civil rights aspect. Same-sex marriages in such countries are treated equally as the different-sex marriage. The gay marriages, as in the United States, which often are associated with the adoption of children, are entitled to benefits such as favorable treatment in tax, inheritance, and insurance status. The gay couples are as well provided with immigration rights and many other rights that different sex couples also enjoy (Sullivan 253).

The same-sex marriage is not all about the content of marriage since gays and lesbians are also capable of friendship, intimacy, and mutual responsibility as it is the case in different sex marriages. Certainly, gays and lesbians are also capable of sexual intimacy to satisfy their sexual needs. The debate is also not about the civil aspects of marriage as both types of marriage ought to enjoy equal civil rights as stated in the constitutions in most developed countries. The consensus is not yet reached globally but, with the rapid social changes experienced in the current society, both same-sex couples and opposite-sex couples may enjoy same civil rights in their marriage. Just a few states have apparently legalized civil unions with material privileges that are equivalent to those of marriage.

The current controversy and debate on the issue of same-sex marriage are basically not about the religious aspects of marriage. Major religions globally have their internal debates hence there ought to be no single religious position on the issue of same-sex marriage. Other religions have taken a friendly position to gay and lesbian marriages while others have strongly rebuked the act. The debate is however strongly denominational as there is no single position on the unions supporting same-sex marriage today. Under the laws of any state, any religion is free to marry or not marry same-sex couples; thus it is upon the religion to decide on the relevance of same-sex marriages.

The public debate over the issue of same sex-marriage is however primarily about the expressive aspects of marriage. Civil unions and marriage cite their differences from the expressive aspects of marriage. Same-sex couples feel stigmatized and degraded due to the

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expressive aspect of marriage that is a form of a compromise offer of civil unions. Despite being protected by the law, the question of public approval over the issue arises as it appears that some unions are being favored while others are being granted opportunities. It is not clear whether the general public approves the idea of same-sex marriage in the society. Evidently, there are unions that are formed to support the idea of gay and lesbian marriages while other unions are formed to represent the majority of the public's expression concerning the controversial issue (Gerstmann 10).

Critics on the issue of same-sex marriage state that the government, by providing marriage licenses to the same-sex couples, seems to be in a business of expressing favor for, or dignifying, some unions while ignoring the needs of others. The critics further claim that there are no good public reasons for the states to be in the marriage business at all. Such critics claim that it is the role of unions that represent the public to engage in the marriage business. Counterarguments against the issue of providing same-sex marriage couples with equal marriage rights state that the government has no clear arguments for and against taking a particular side on same sex-marriage.

Myth of the Golden Age

The institution of marriage was often associated with purity in the past as marriage was considered a long-term commitment by one man and one woman, as sanctified by the state and by God. Marriage was meant for the purposes of having children and companionship. Traditionally, people obeyed the rules concerning the institution of marriage, and they were happy. Marriage experts claim that in the current society, things are falling apart as the purity of marriage is no longer observed by couples. The experts note that marriages leading to the bearing of children lead to selfish pleasure among adults as children grow up with insufficient guidance, support, and love from their parents. It is for the reason that same-sex couples are united by marriage to adopt and take care of such children who are often abandoned by their parents who are guided by selfish pleasure. However, there is still the need for the society to go back to the old pure ways instead of opting for solutions such as same-sex marriages that seem unnatural (Wotton 3).

Unions supporting same-sex marriage have linked the recent rising cases of gay and lesbian marriages to the golden age myths concerning the institution of marriage. The unions have in most cases noted that same-sex marriages are based on commitment and responsibility, core values that are currently lacking in the opposite sex marriages. It is indeed true that a good number of children are currently growing up without enough economic or emotional support. Lack of economic and emotional support for children is persistent in societies where polygamous marriage is the order of the day. The societies that have embraced informal marriage have no responsibility that is entitled to them as it could be the case for a licensed

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marriage. Many same-sex couples come together with the idea of initiating programs that could assist such communities develop interest in formal marriages, whether same-sex or opposite marriages.

The modern society is composed of men and women who engage in sex outside marriage through sexual relationships with prostitutes. In the golden age myths, it was an abomination for a man or a woman to engage in sex outside marriage as it led to the seclusion of women due to lack of companionship from their spouses. Same-sex marriage has therefore been motivated by the malpractices in the opposite sex marriage where couples are not committed to their marriage.

Nonetheless, same-sex marriage faces non-recognition more so for same-sex marriages between the blacks and the whites. Same-sex marriage activists in the United States of America encourage the society to allow people to marry, despite their race, sexual orientation, and sex. The politics of humanity apparently require the entire globe to agree with the arguments of the unions regarding our perception on the issue of same-sex marriage. It is, however, important to consider the counterarguments regarding the issue of freedom to marry members of the same sex.

Panic over Same-Sex Marriage

Even as the society is embracing same-sex marriage or rebuking same-sex marriage, it is important to keep in mind whether the arguments are a real legal justification for same-sex marriage. It is also important to consider the fact that some arguments are spearheaded by some people's attitudes of moral or religious approval of the issue in the society. It is vital to note down the fact the world is composed of diverse religious beliefs and there is the need for religious and cultural tolerance among communities. We may not necessarily agree that the beliefs are sufficient grounds for legal regulation, but there is the need to understand that some beliefs can generate public arguments in the society.

The concept of same-sex marriage can be compared to the restriction that Muslims have against eating pork. Others may view it as a religious platform to make eating of pork illegal while others view the restriction as a religious rite that is supported by religious texts that all citizens ought to embrace. Similarly, there is the need to express the arguments for and against the issue of same-sex marriage in a neutral and shareable language that do not offend any group of a particular sexual orientation. Moral arguments fare better than doctrinal arguments, but still there is the need to question their relevance to the core values of the society despite the provision of equal rights to all citizens. Historical records indicate that many legal aspects of the history of racial and gender based discrimination were defended by secular moral arguments, but such arguments never prevented them from the constitutional scrutiny.

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Again, there is the need to consider whether each argument justifies its conclusion or it is just a form of anxiety or aversion. Most people in the world have similar objections for the issue of same-sex marriage; it is immoral and unnatural. Recently, same arguments were made in the debate that took place in the United States concentrating the protection of gay, lesbian and bisexual communities' rights. The arguments against the issue were basically made with reference to the doctrines of religion, given that the United States of America is composed of a majority of Christians and a minority group of Muslims. Both religious groups do not support same-sex marriages. Such religious arguments may not be necessary as the society is made of different religions, others that may teach different things. Religious views may not be persuading to change our views on the controversies surrounding same-sex marriages since there are no sufficient religious reasons for making the marriage illegal in a pluralistic society (Tucker).

There is the objection that marriage is meant for procreation and rearing of children. The protection of the institution of marriage seems to be the legitimate public interest. The is uncertainty on the existence of public interest that serves to restrict marriage to only cases where there may be procreation. It ought to be clear to the whole society that procreation, protection, and rearing of children are important purposes of the public. As it stands, marriage is not only restricted to those who fall in the age bracket of bearing children or those who are potentially fertile to bear children. It is, therefore, difficult to explain why the state would allow two heterosexual grown-ups who are of age and two men or two women to be brought together by marriage. The state's interest of procreation may, however, be backed up by the fact that most same-sex couples adopt and raise children (Sullivan 254).

A counterargument from public unions on the approval of the same-sex marriage notes that the approval of same-sex marriage be violating the conscience of those who believe the action to be evil. The argument does not bring out the idea that the adoption of same-sex marriage would offend other believers. The state may thus take a legitimate interest in banning same-sex marriage on the grounds that it offends many religious believers

There is panic in the society on the existence of traditional marriage that would ensure parental support for children. There is evidence from child support organizations that the difficulties that traditional marriage is experiencing are paving way for the existence of same-sex marriage in the society. Apparently, there are rising cases of divorce and damage to children due to lack of parental support. Critics note that the society needs to support traditional marriage by not opening up the institution of marriage to other forms of marriage that do not have concern for the traditional purposes of marriage.

On the other hand, marriages for same-sex couples provide an elaborate framework of entitlements and responsibilities as well as security, legitimacy, and social stand on children. Research indicates that the states that have legalized same-sex marriage have the lowest

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divorce cases, implying that the legalization of same-sex marriage may not necessarily undermine traditional marriage.

In conclusion, the future of marriage is an imitation, in one way or another like the past practices regarding marriage. As human beings grow up, they are intended to unite, form families, have children, and at times split up through a divorce. The government, in delivering services to citizens, need not exclude any group of citizens from civil benefits. The future of marriage is supposedly one that includes same-sex couples, just as women and African Americans were included as voters in the United States due to the social changes in the society. The politics of humanity may require the society to view same-sex marriage as a union that is destined for companionship and friendship rather than as a source of taint to the traditional marriage.

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