

# Same sex marriage and crime essays example

[Environment](#), [Nature](#)



## Same Sex Marriage and Crime

### Introduction

Throughout history, homosexual and homoerotic love has existed because of the sheer fact that men have matched with men and ladies have combined with women looking for fraternity, bolster and adoration – regularly physical affection (Smith, 2014, p. 1). Renowned Yale University law professor William Eskridge, in his cogent monograph, “ The Case for Same-Sex Marriage”, refers to recorded histories of same-sex couples dating back to Biblical times. He takes note of that Same-Sex links between men were standard in antiquated Greece; truth be told, the Roman Ruler Nero even had a formal wedding function with his male beau Sporus. There has dependably been ample resistance in the majority of societies around the world for these remarkable links, aside from in the West. Religious and common dominant voices in the West have consistently denounced gay person links dating back to the Middle Ages. Acknowledgment for same-sex links needed, notwithstanding, and as per Eskridge, by the start of the thirteenth century, governments spanning the globe began to implement laws precluding these alleged “ law violations against nature” (Smith, 2014, p. 5). Primary sources attest to the nexus between criminality and same-sex love, and extant literature proffers a nuanced view of the place of same-sex love within world history. Ultimately, the traditional view of homosexuality through the prism of nature, as expounded on by John Boswell, explains why the historical nexus between same-sex marriage and crime has persisted into the present day.

## **Literature Review: What Scholars are Saying**

The relationship between morality and crime based on actions that have been condemned as overtly bad or wrong by a society often include homosexuality, prostitution, and pornography. Such crimes retain a sexual foundation and are deplored for causing sexual harm in a psychological and moral sense in addition to the physical harm it inflicts. Although homosexuality does not produce any victims, the world has historically decried such acts as criminal and deviant. Such activities have only been regulated as a criminal offense in the past two centuries, which brings into question the philosophical nexus between crime, morality, and sex, especially regarding the issue of same-sex love. The relationship between private and public morality has been an intense topic of debate, and this very distinction governs ideas about illicit versus licit sex in western society. The concept of public versus private morality figures largely in the discussion about homosexuality in relation to deviance and criminality. Society today is based on particular social and cultural conventions and norms that indicate that, as a society as a whole, a set of common values if embraced. Debate remains, however, over what those values actually are and what they mean. Some experts have argued that in a society that is governed by economic rationalism, morality is not necessary due to the fact that the market dictates what transpires and human action. Beliefs, values, and perceptions have within this paradigm become commoditized, and issues of public concern become wholly dependent on whether or not the issue is marketable or not.

This notion of public morale, according to Benn & Gaus (1983), argue must

be examined within the context of sheer public interest. For example, public officials are mandated to make their decisions and act in the best interest and favor of the public whether or not their private beliefs or values are commensurate. If their personal values or beliefs come into conflict with their public obligations, they are in theory supposed to sideline their private interests for the public good to ensure that the public knows that any and all government decisions are made for the benefit of public interests and thus remain impartial. Hayes & Jordan (2006) note that public service officials are not allowed by law to discriminate against any individuals due to their gender, race, sexual identity, or sexual orientation when charged with the distribution of public services. Even if a public official articulates an overt distaste for a homosexual female or male, they cannot factor such abhorrence into the distribution of payments or services. Indeed, that official is required to remain impartial and to treat the homosexual individual; with the same respect and consideration as to all others. Such impartiality stems from private organizations run by laws and certain regulatory systems. This dyad of private and public morality, however, is quite nebulous regarding distinct and mutually exclusive categories because it raises a litany of issues with regards to discrimination against certain gender roles, the right to privacy, and certain sexual practices. If public morality dictated people's private lives, then privacy itself would be rendered obsolete. It is clear that those writing in this topic have rendered the topic of privacy moot, as same-sex love continues to be criminalized in the modern world.

Same-sex links have made due in spite of the resistance, and by the 1960's, early gay rights gatherings were transparently debating gay person

relational unions and participating in mock functions. The interest for equivalent rights and advantages for gay and lesbian couples with respect to hetero couples has energized astringent verbal confrontations on both sides of the issue. Is this an inquiry of social equality, or is it a chance to give an extraordinary gathering exceptional treatment? " What is the need of marriage, to balance out society, to encourage reproduction, or to protect the organized exchange and safeguarding of riches?" Is the issue a legitimate or an ethical one? As the level headed discussion proceeds with, every year practically every state in the U. S. has a star and con measure or recommendation on the tally. Should same-sex relational unions be sanctioned so that gay and lesbian couples can be managed the same rights and commitments as hetero couples, or ought to these unions be banned and the meaning of marriage perpetually stay between one man and one lady? Without a doubt, there is a broad range of purposes of perspectives regarding the matter of same-sex links, and today we will examine this questionable subject (Smith, 2014, 6). Be that as it may, begin with; what is a same sex relationship? A same-sex relationship is characterized by scholars as " A same-sex relationship can tackle numerous structures, from sentimental and sexual, to non-sentimental cozy links between two persons of the same sex." (Same-sex relationship) Same-sex links have been glared upon by the congregation since the start of time, however, have as of late make a ton of progress in turning out to be socially acknowledged. Lack of awareness is a delight; or is it? Without a doubt when talking about same-sex links, it is the portal to numerous misguided judgments, generalizations, viciousness, and ordinarily prompts self-

annihilation. The male-female relationship in human culture is the most key and essential sort of human relationship and it is the foundation of multiplication, as well as the exceptional bond in the mainly, culminate union of the two reciprocal parts of humankind. Thusly, this relationship is unique, and its special qualities ought to be recognized and reinforced, not denied and debased by viewing it essentially as one of the numerous choices (Rajczi, 2008, p. 475)

The gay person activists and their supporters have had extensive accomplishment in positively surrounding the issues as far as what they need to concentrate on, and authoring the dialect to their preferring in the contemporary open deliberation over Same-Sex. In fact, the center issue of Same-Sex, that of the embodiment of the relationship itself, has been lost in the civil argument and optional issues, for example, resistance, acknowledgment, social equality, reception and gay person marriage have been elevated to take the inside stage. Primarily, the fundamental relationship has been acknowledged as substantial, and accordingly, whatever remains of the cases must be received on the territory that consistently takes after. These issues are not essential and just stream by a suggestion from the fundamental suspicions about the commonality of the gay person relationship. The journey for commonality, through the redefinition of issues as differences qualities, is an in number and passionate driver for activists to advance acknowledgment and standardization of their condition. The conviction behind this activism is further fortified by the recorded fanaticism and absurd separations that persons with these issues were made to tolerate. They are presently united halfway due to this regular

separation that they continued throughout the decades and hundreds of years past. This is one motivation behind why they feel so pretentious and is so devoted to their reasons (Smith, 2014, p. 7)

In the war zone of social and political dialog, a dialect is the weapon of the decision. Dialect drives social pictures; pictures drive feelings, and emotions drive choices. The gay person activists have actually instituted appealing terms and sayings that pass on the messages they need. Case in point, they generally recognize themselves as " gay" rather than a gay person, lessening the adverse meanings. They regularly assault anyone who articulates their thoughts and advancements by naming him as a " homophobe". They utilize shallow mottos, for example, " Contempt is not a family esteem", or " Equivalent rights are not unique rights", which do not have any discerning or sensible legitimacy, yet accomplish their promulgation purposes somewhat well by making the sought pictures. Dialect is essential. To uncover the imperfections in these contentions, it is basic that these terms are taken out, and their erroneous nature is revealed. Another feature of the utilization of dialect to control feelings is the use of some unique words that have been given a kind of " hallowed" status. By tossing these words into a sentence or setting, the speaker would like to legitimize whatever else being declared, regardless of how irrational or preposterous. At the highest priority on the rundown are the words " adoration", " society", " differences" and " resistance." For some individuals, when you toss one of these words in with the general mishmash, everything else you may need to attest is by all accounts naturally defended; no extra reasons needed. And after that, any imperviousness to such statements is dealt with like apostasy.

Thus, for instance, on the off chance that they say " a gay person couple love one another and consequently their relationship merits unique insurance," every single other issue and concerns are dealt with as optional and trifling due to the vicinity of " adoration". The Truth is told, what could be more vital than " adoration"?! Comparable circumstances exist for the words society, assorted qualities, and resistance. A portion of the famous contentions against gay person rights is made in view of religious classes and writings, for example, the Bible. The issue with these contentions is that just the steadfast put stock in them and even among the loyal numerous decipher the verses to suit their own feelings. All things considered, what number of gay person ministers have we seen as of late who transparently purport that gay person relationship is proportional to a hetero relationship in seeing God? Another symptom of religious contentions is that individuals who are hostile to religion or don't care for religious interruptions in their lives attempt to arrangement a hit to religion by supporting things that are against religious teachings, for this situation, Same-Sex. This is another passionate driver for such backings. Religions have had varying perspectives on adoration and sexual relations between individuals of the same sex. An expansive extent of the Abrahamic factions view sexual links outside of a hetero marriage, including sex between same-sex accomplices, adversely; however there are gatherings inside of every confidence that can't help contradicting customary positions and test their doctrinal power. A Restriction to gay person conduct ranges from unobtrusively demoralizing showcases and exercises to the individuals who expressly preclude same-sex sexual practices among followers and efficiently contradict social



acknowledgment of gay person links. Backing of gay person conduct is reflected in the statement of sexually heterodox persons in all elements of the congregation, and blessing of same-sex unions (Stewart-Winter, 2010, 365)

### **Trial of William Bailey: Primary Source Analysis**

William Bailey was indicted for pursuing sexual relations with Robert Simpson, an act of sodomy that was decried and deplored during the eighteenth century, although the defendant vehemently denied that he was a homosexual or an individual who engaged in sodomy with other men. The account described the act of sodomy as detestable despite the fact that both parties were consenting. The primary interest in the trial as documented in the court papers was in the fact that London was a homosexual cruising ground during the eighteenth century. Moreover, the trial of William Bailey exhibits that British society possessed a perception that all individuals who engaged in homosexual sex were in fact homosexual, which manifests in the defense that a man defends himself and his honor with trenchant claims of loving and being attracted solely to women. However, it is interesting that the jury did not believe the defendant's conviction, which is why he was convicted of his crimes despite that fact that a handful of women testified for him on his behalf. It is clear that same-sex love was rendered a reflection of a man's character and moral fiber because it was rendered detestable, unnatural, and a transgression of humanity. This historical context reflects why Bailey went to such great lengths to prove that he had an affinity towards females. Unfortunately, the jury did not believe him due to the salience of other prejudicial beliefs. Nonetheless, it is clear that when viewed

through the prism of nature and naturalness, homosexuality is rendered a crime. Such a belief has persisted throughout world history, which Boswell reifies in his cogent examination of homosexuality within the medieval context.

This primary source clearly reveals that private conduct is a matter of public interest because the very act of homosexual sex is deplorable, immoral, and must be adjudicated. Public discourses during the medieval era denote that sex between members of the same sex represents an unspeakable and deplorable crime. William Bailey literally called to the stand eighteen witnesses to testify to the fact that they had never witnessed him act in an unnatural manner, and that he time and again conveyed "a natural passion for women, and none for his own sex." This poignant example how commonplace the homosexual/heterosexual dyad was during the eighteenth century in western courts of law. Character witnesses were necessary in order to vouch for the heterosexuality of those who were accused of the crime of sodomy like William Bailey.

## **Convincing Interpretations: Notions of Nature and Naturalness**

William Bailey's trial underscores how same-sex love and crime have been historically connected due to the ubiquity of ideas about naturalness as they relate to sexuality and love. John Boswell deftly defines human nature in his *Christianity, Social Tolerance, and Homosexuality* in order to understand what nature actually means. Boswell addresses the many nuances of the concept of naturalness and nature and traces how ideas and discourses on nature shifted, which ultimately provided a language that led to the

stigmatization and marginalization of homosexuals beginning in the thirteenth century. He discusses the multiple ways in which nature is defined in the modern English language as well as a variety of other languages (Boswell, 1981, 11). The concept of ideal nature, or how nature should be and everything that deviates from that is unnatural, is ultimately conditioned by cultural values (p. 13). The idea of going “ against nature” emerged in the writings of St. Paul which was understood not in the abstract sense as a moral force but rather as someone’s character (p. 110). Thus, people who want to reproduce should not go against their nature and engage in homosexual activities (p. 112). Boswell demonstrates that nature as an abstract category did not exist in antiquity as it does today. The abstract ideas about nature and the association of the ideal or norm to the biological norm of reproduction emerged in the thirteenth century; those who did not reproduce were thus considered against nature. Lucretius’s poem entitled *De Rerum Natura* mirrors these thirteenth century discourses about nature as biological reproduction (p. 149). The emergence of this new discourse on nature correlated with the social changes occurring, which soon regarded homosexuality as wrong, abnormal and unnatural (p. 301). Boswell argues that nature is a cultural construct, and each author deals with gender identity as it relates to the question of how to write about categories of people who have not been the center of historical inquiry; thus, he articulates a counter-narrative that gives voice to muted groups during the Middle Ages in a diverse manner. Boswell traces a particular way of thinking about nature and engages with how the emergence of certain discourses on nature is correlated with social changes; discourses of ideas about nature did

not emerge to target homosexuals, but they did provide a language that led to their marginalization. Discourses on nature were the source for establishing norms, and the biological reproduction definition of nature emerged in the 1200s that prescribed social and cultural norms; those who do not biologically produce were considered as aberrant and against the natural order.

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