

Sex marriage

[Health & Medicine](#), [Sex](#)



By: Anonymous

Same-sex marriage There are many important issues discussed in public policy today. One of these issues is homosexual marriage. This is an important issue because it deals with a relatively large minority of the United States. This issue is put into many different lights. Those of morals, family values and religion; and those of equality, constitutionality, and right to privacy. The aspect with the most relevance is constantly left up to debate. Homosexuals are 'gay' due to a combination of factors. These factors are environment and society-the outside influences- and genetics. Hence, homosexuals do not decide their own sexuality, nor do heterosexuals. Therefore, homosexuals should have the same rights as heterosexuals, one of these rights being marriage. If it is proven that there is indeed a gene that causes homosexuality, than we can draw a parallel between not allowing homosexuals to marry and not allowing blonds to marry. This is why it is of great importance to public policy whether or not homosexuality is predetermined. Some now believe that homosexuality is genetically predetermined by a gene on the X chromosome. If this is the case, then gays cannot decide their sexual orientation, for it is predetermined. Hence, not allowing those who are genetically inclined to prefer the same sex to marry leaves homosexuals with three choices. The first is to remain celibate their entire lives so as not to "live in sin"; the second is to marry someone they do not truly love or find attractive simply for the marriage benefits; the third and final choice is to live together with their partner and face the dirty looks of fellow citizens, simply because they are living together though they are not married. Marriage goes beyond the benefits, however. The institution of

marriage is a very respected one, and holds much sentimental value for many people. If we look at the Declaration of Independence for inspiration, we read that all men are created equal. Does this exclude homosexuals? Many think so simply because they believe that marriage is not a right, but a privilege. This argument means that because gays are not going to bring a child into the world, they do not deserve the privilege of marriage. Those that oppose this argument see marriage in a different way. They believe that if you love someone, you have the right to bond yourself to them legally. There are many legal and economic benefits to marriage. Studies show that, generally, married couples are more economically stable. When Sandra Rovira's life partner died in her arms from cancer, her partner's company, AT&T, denied any and all death benefits to her. AT&T made it clear that if the law recognized homosexual unions, so would they. Twelve years earlier, Ms. Rovira and her partner, Ms. Forlini, formalized their relationship in a ceremony where the two women exchanged rings and vows. However, because this ceremony is not recognized by the government, Ms. Rovira was denied the benefits that would have been given to her if she was a man who had gone through the same ceremony. An AT&T spokesperson, Maureen Lynch, was quoted as saying, " If we have a benefit for spouses and you don't have a spouse, that doesn't mean we've discriminated... If you're single, you're not being discriminated against, you just don't have anybody who's eligible for that benefit."(New York Times, 1989) This woman was being discriminated against because she did not have the option of marrying her partner. If Ms. Rovira and Ms. Forlini could have obtained a marriage that was seen as valid by the law, they would have been able to share the

following benefit with many married heterosexual couples. " By the simple public act of marrying, men and women achieve a substantial package of rights and duties which, collectively provide support and predictability to their marital relationship: 1) legal recognition of their sexual union, 2) legal enforcement of their mutual obligation to financially support each other, 3) automatic guardianship and custody of the children of that union, 4) improved ability to adopt the children of others, 5) legal enforcement of their mutual obligation to support their children, 6) legal recognition of their constitutionality and the constitutional sanctity and importance of their marriage, 7) insurable interests in each others lives, 8) next-of-kin status in medical emergencies, and, 9) in the event of death, the right to one-half of each other's estate." (www. clark. net/pub/quaker " Love and the Law")

These rights are for all people who love each other. Not only heterosexuals.

In 1988, three homosexual teachers from New York sued the Board of Education. All three of these teachers had live-in same-sex partners. They sued on the grounds that because the Board of Education did not give them the same benefits as married heterosexual couples, they were being

discriminated against on the basis of sexual preference(Newsweek 1992). In

1862, Charles Darwin wrote that, " We do not even in the least know the final cause of sexuality. The whole subject is hidden in the darkness." In more

recent years, however, this statement is being chipped away at by multiple studies which offer proof that there is a region on the X-chromosome labeled Xq28 which predisposes men to be homosexual. Biologists from the National Institutes of Health led by Dean Hamer did a study in 1993 and a follow up study in 1995. These studies tried to show what biological influences, if any,

there are on sexual preference. Both of Dean Hamer's studies suggest that a man may be predisposed to be homosexual due to genes he inherited from his mother. In his first study, Hamer compared the X-chromosomes of 40 pairs of gay brothers and found one region, called Xq28, which was more likely to match than would be expected if the two X-chromosomes from the mother had been randomly mixed. In eighty-two percent of the pairs, the brothers' gene in question matched. In their second study, which was used to confirm the first, sixty-seven percent matched. In the second study, heterosexual brothers of gays were also included in the study(The Economist, 1995). George Ebers, who is questioning and investigating some of Hamer's research, says that he also thinks that homosexuality is genetic, but does not think that the work should be only focused on the X-chromosome. Ebers has looked into it himself and sees no linkage between the mother and the son. He also did a study of forty gay brothers and found no linkage on the X-chromosome. Hamer says that this is because Ebers did not choose subjects from families which would allow for the maternal flow of inheritance(Science, 1995). Two scientists named Odenwald and Zhang claimed to have made male fruit flies gay by increasing the flies' level of serotonin. Though this gene also exists in humans, no linkage has yet been made to show that serotonin affects the sexual orientation of humans. In 1991 studies showed that identical twins had a greater chance of having the same sexual preference than other pairs of siblings. Also in 1991, a Californian scientist showed that there was a slight difference in the physical aspects of the brain between gay and straight men(Time, 1995). Two others, Bailey and Pillard also did a study. This is the only study on the genetics of

homosexuality which takes adoption into account. This study shows to a fuller extent the effect of environment on one's sexual orientation. The study also provided a deeper look at the genetic aspect. Bailey and Pillard recorded the sexual preference of identical twins, fraternal twins, non-twin brothers, as well as adopted siblings that had no blood relation. More than half of the identical twins' orientation concurred; while only twenty-two percent of fraternal twins had the same preference. This shows that though genes apparently play a part, genes are not the only controlling factor. Nearly half of the identical twin brothers had a differing sexual orientation though they shared the same genes. The study also presented evidence that eleven percent of the adopted brothers were homosexual like their siblings. In society on a whole, only two to five percent of the population claim homosexuality. Hence, since the adopted brothers did not share the genetics of their siblings, the effect of the environment plays a large role (The Hastings Center Report, 1997). There are three possible roles that genes might play in sexual orientation - the indirect model, the direct model, and the permissive effect model - in the indirect model, the gene causes homosexuality in some environments, heterosexuality in others, and, in some instances, has no effect at all. In the direct model, the gene dictates completely the sexual orientation of those who have it. In the permissive effect model, the gene will predispose someone toward homosexuality, but it requires sexual orientation to be enforced by the environment (The Hastings Center Report, 1997). If it is substantially proven that there is a gay gene, it would be very dangerous to the religious right. " The right won't like it because the work will suggest that homosexuality is at least partly natural."

(The New Republic, 1995) This is because of how stigmatized homosexuality has become. If homosexuality were as natural and impossible to change as hair color or race, it will become a lot harder to discriminate against homosexuals and deny them the benefits which heterosexuals can receive. If the innate sexual preference of any given person cannot be changed, the United States government can no longer keep homosexuals from the rights which they deserve (World Press Review, 1993). Though it may seem beneficial to the struggle for gay rights, if a "gay gene" is ever pinpointed, there could be dire consequences. In recent years, many Catholic churches have had "treatment" programs where priests attempted to "cure" a person of homosexuality. Often these programs are forced upon gay individuals, though some chose to partake in order to escape from society's discrimination and homophobia. Other "conversion therapies" have involved some very harsh treatments such as hormonal therapies, electroshock treatment, genital mutilation, and brain surgery. Over half a century ago, in Nazi Germany, Hitler attempted to make the "master race". One of the groups of people he attempted to extinguish were homosexuals. He believed that homosexuality was hereditary and that by extinguishing the homosexuals, no new generation could ever be born (The Hastings Center Report, 1997). Many gays also fear that people will see homosexuality as a "defect" and attempt to fix it. Martin Duberman, head of the center of Lesbian and Gay studies at the City University of New York states, "Any finding will be used and twisted for homophobic purposes. If it does turn out that for some people, there is a genetic or hormonal component, the cry will arise to take care of that." In fact, members of the traditional values coalition in

Anaheim, California have already made clear that if a genetic cause of homosexuality is proven, steps will be taken to "correct that genetic defect"(Time, 1995). One of the biggest fears among gays is that pregnant women will be told that her child is going to be gay, and she will choose to abort it. They also fear that employers will begin to discriminate based on sexual orientation. As of now, you cannot tell someone's sexual preference simply by looking at them or taking a small blood sample. Many fear that this will change if studies prove conclusive that there is a specific gene for homosexuality(U. S. News & World Report, 1995). The third and final side of this argument is that a gay gene simply does not exist. Some scientists accuse Hamer of "stacking the deck" and choosing his subjects so selectively that he discovered something that is not really there. Hamer and his studies are under investigation by a few different groups for a few different reasons. The federal Office of Research Integrity accuse him of skewing the data of his first study. (U. S. News & World Report, 1995) This research is also being questioned and investigated publicly by George Ebers, a neurogenetics researcher at the University of Western Ontario in London, Ontario. Ebers is attempting to duplicate Hamer's findings by conducting a similar study. Ebers claims that he has not drawn a similar conclusion. The ORI investigation was triggered by the report of a woman formerly a junior member of Hamer's lab, in which she questioned the methods of Hamer's research(Science, 1995). Whether or not homosexuality is hereditary brings up many issues, one of which is the Defense of Marriage Act (DOMA for short). The two main purposes of DOMA are to define marriage, and to give the states the ability to have their own policy on whether or not they

recognize same sex marriage(Weekly compilation of Presidential Documents, 1996). Sec. 1738C. Certain acts, records, and proceedings and the effect thereof 'No State, territory or possession of the United States, or Indian tribe, shall be required to give effect to any public act, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State,. territory, possession, or tribe, or a right or claim arising from such relationship.' Section 7. Definition of 'marriage' and 'spouse' 'In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.' (DOMA, January 3, 1996) Some believe that DOMA is beneficial because it protects the moral rights of people. A representative of the Ethics and Public Policy Center worries that if same-sex marriage is legalized, anyone who disagrees with " the new regime" will be forced into a battle with the American legal system. Those who praise DOMA believe that it keeps children from growing up and thinking that being homosexual is okay. They believe that gay people are sacrilegious, and to allow them to marry would condone this behavior(Christianity Today, 1997). In Article Four, Section One of the Constitution the Full Faith and Credit Clause states: Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the congress may by general Laws prescribe the manner in which such Acts, Records, and Proceedings shall be proved, and

the Effect thereof. What this means is that if a person or group of people, have a record in one state, it is valid in all states. If they receive a licence of any kind in one state, it is upheld in the others as well. It also states that congress has the right to define the " effect" in which one state's laws act upon another state. This is not meant to give Congress the right to take away the state's right to choose, like it does in DOMA. The state has to present reasons why it will not accept another states laws. DOMA takes away that right. The normal rule for interstate marriage is to uphold the marriage as long as it is valid where it was originally celebrated. The Full Faith and Credit Clause keeps states from selectively discriminating based on how " desirable or obnoxious" the other states policy is. " Thus a state could not apply an ostensibly non-content-based marriage evasion statute only to same-sex marriages." (Yale Law Journal, 1997). Section One of the Fourteenth Amendment of the Constitution states: '... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws.' This means that a state government cannot make a law which denies someone his or her rights. It is a homosexuals right to liberty and the pursuit of happiness which is being denied by DOMA and by all fifty states which do not allow same sex marriage. Every citizen of the United States has equal protection under the laws. This means that simply based on sexual preference, we cannot discriminate against gay people because they therefore are not protected equally under the laws. I believe that there is indeed a " gay gene" and that

it is indirect. Homosexuality is something that is greatly influenced by environment and society. I believe that if someone is genetically predisposed towards homosexuality, but their social situation does not bring it out, they will act as a heterosexual, but never love to the fullest extent a member of the opposite sex. I believe that a male who grows up as a Catholic in the Bible belt with the homosexual gene will be more likely to marry a female and never realize that he has a different calling. Meanwhile, a man growing up in New York City with the homosexual gene, will realize almost from day one, and grow up content. Because homosexuality stems more from psychological factors than physical factors, environment and society play a large role in determining one's sexual preference. I think that some people are predisposed to homosexuality, but that alone does not insure that those people will be homosexual. The reason we know that sexual orientation is not determined purely from environmental and societal influence is that when we study groups of people from the same town, even the same family, we note that not all of these people have the same sexual orientation, though identical twins share their preference the majority of the time. I think that it is a positive step for the gay rights movement that there are more and more studies which show that homosexuality is genetic in some way, shape, or form. I don't believe that people will begin aborting fetuses shown to be predisposed towards homosexuality, for a very simple reason. The majority of people who think that gay people are evil are the extreme religious right. This group also vehemently opposes abortion. Those people who only oppose gay marriage, but not gay people, also would not get an abortion because they are still too far right. As for other kinds of discrimination, these things

already happen regardless of the fact that it has not been proven that homosexuality is determined by genetics. The Defense of Marriage Act is unconstitutional. There is very little doubt in my mind of this fact, especially since I believe that homosexuality is not a choice. According to the Full Faith and Credit clause of the Constitution, all of the states must recognize a licence valid in one state as valid in theirs. The Defense of Marriage Act negates this, but only in the case of same-sex marriages. DOMA does not say that all marriages are up to the state to value, only ones between homosexuals. This is discrimination pure and simple. If congress made a law saying that states don't have to uphold other state's marriages of two blond people, there would be an uproar. This is exactly what congress has done, except by way of homosexuals. Hawaii is very close to legalizing same sex marriage(Vital Speeches, August 1, 1997). For the sake of argument, lets assume that tomorrow Hawaii passes a law that makes homosexual marriage legal. Many homosexual couples will fly to Maui and become legally married. Once they fly back to New York, however, their legal union is no longer valid. This is because of the Defense of Marriage Act. This has many connotations. For one, Hawaii might begin to overflow with homosexual couples who want their marriage recognized. This puts a burden on Hawaii's government, which is not fair to them. Hawaii is simply giving choice to a large minority of people. That minority should not be forced to choose between marriage and their withstanding career. Under our constitution, all people must receive equal protection under the law. Homosexuals are discriminated against because of their sexual preference, which is something they cannot change. A little over thirty years ago, interracial marriage was

illegal. This was overturned in the Supreme Court case " Loving v. Virginia" which declared it unconstitutional on the grounds that this violated the Equal Protection clause in the Fourteenth Amendment. Making gay marriage legal is the next step. It is not the United States government's prerogative to tell people whom they can and cannot marry. They did not learn from the case of " Loving v. Virginia" and continue to restrict us in marriage, though no it is no longer about skin color, but gender. This is unconstitutional and must be stopped. In conclusion, we must legalize gay marriage for all of the reasons stated above. The constitution protects all people, not just those who are attracted to the opposite sex. Homosexuals are predisposed to their orientation, and deserve the same rights as everyone else. Marriage is a right, not a privilege, and everyone deserves that right. There are legal as well as sentimental benefits to marriage. Any two people who are in love with one another and are ready to bond themselves legally as well as emotionally have the right to get married whether they are gay or straight. The Defense of Marriage Act is unconstitutional and is the embodiment of the homophobia of the United States Government. The Full Faith and Credit clause of the constitution is directly violated by this piece of legislation. DOMA does not equally protect the United States citizens, and does nothing but discriminate against a specific group of people. This is unfair and unconstitutional. There is a " gay gene" and homosexuals are simply acting in the way that their genetic code promotes. Homosexuals are people, too. If one gene in everyone's DNA had been slightly different, everyone could be homosexual. " There are only two ways to establish a policy of equality: Give rights to all, or do not give rights to anybody." This dilemma, defined by

French writer Alexis de Tocqueville, must be resolved.

Word Count: 3686