

Approach to same sex marriage philosophy essay



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Utilitarianism, created by Jeremy Bentham and, his student, John Stuart Mill, started in the eighteenth and nineteenth centuries as the opposition to Christian ethics. Utilitarians hold that it is imperative that you minimize the greatest harm and maximize the greatest pleasure. As stated in the book, "Utilitarianism," "The sole end of human action is happiness." To achieve this maximum pleasure and minimum pain, you must apply the four main tenets of utilitarianism: Consequentialism, Maximization, A Theory of Value, and A Scope of Morality. Principlism originated as a method for individuals to investigate the morality and the ethicality of medical decisions and medical treatments. Now, investigators use this theory for investigating ethical and moral decisions in general. Principlism also uses four tenets, which are autonomy, beneficence, non-maleficence, and justice. During the Presidential election on November 6, 2012, Washington, Maryland, and Main, all by majority rule, approved same-sex marriage. This makes, in total, nine states, including the District of Columbia that has legalized and recognizes same sex marriage. In addition, eight states have legalized and recognized civil unions. This decision has themes of utilitarianism and principlism but there are still several moral and ethical injustices taking place. Currently, while some states may recognize same-sex marriages, the federal government does not. Some states recognize civil unions, and again, the federal government does not recognize these unions. By not recognizing these unions, the federal government denies same-sex couples the full rights and privileges of marriage. Most important of these privileges and rights are filing taxes jointly, sharing health insurance, in some cases buying homes, receiving social security benefits, and other monetary compensations should a spouse become of age, disabled, or if the spouse dies. Legalizing and

granting the full rights and privileges to same-sex couples are tantamount to granting the legalization of same-sex marriage itself. In this paper, I will use the theories of utilitarianism and principlism to show how banning and not legalizing same-sex marriage is immoral and unethical.

Currently, nine states in the United States recognize same-sex marriage. Eight others recognize civil unions. The rest recognizes neither and upholds marriage as being between a man and a woman. Same-sex marriage is the joining of two individuals, of the same sex, in matrimony. Nine states, now, recognize same-sex marriage and offer some rights that come with marriage. However, the federal government does not offer any benefits or rights to couples in same-sex marriage. The states that allow same-sex marriage may grant some benefits but not all. Civil unions, in essence, are the same as a regular marriage. The only difference is that there is an even bigger limitation on some rights and privileges for the couples who are in civil unions. For the purposes of this paper, I will use the terms same-sex marriage and civil unions interchangeably. Under the consequentialist realm of utilitarianism, “right acts produce the greatest amount of good consequences, versus motives, for the greatest number of beings” (Pence). This means that right acts, as in doing what is right, tends to increase pleasure and happiness for all. The motives for action, in this case, are not relevant factors. Negating the views of religion, as they have no standing in what is morally and ethically right, legalizing same-sex marriage and granting the full rights of marriage will only cause happiness for all. Maximization states that, “the number of beings affected by a consequence matters; the more beings affected, the more important the result” (Pence).

This emphasizes the fact that the larger the number of all relevant people “hurting” the extent of harm is at its worst. On the other hand, the larger the number of all relevant people “happy,” the extent of pleasure is at its highest. The whole goal of utilitarianism is, in fact, to make all relevant people happy while reducing all forms of hurt. Again, negating the views of religion, allowing same-sex marriage, and granting the rights of marriage will only bring about the greatest happiness for all persons.

A theory of value refers to “good consequences that are defined by pleasure, what people prefer, or by some other good thing” (Pence). This creates a slippery slope concerning the value of marriage. Is marriage, specifically same-sex marriage, intrinsically and naturally valuable or is it valuable because of the thoughts and feelings people project onto marriage? Marriage in general is an institution where two people profess their love for each other. Marriage, at the very least, acts in favor of the two participants’ overall happiness. If anything works to increase pleasure and happiness, then it is intrinsically valuable. It is not valuable because people think it is the right thing to do or because it is expected of persons. It is intrinsically valuable on its own merit. Marriage increases your chances of living longer, “Based on life expectancies, nine of ten married men and women alive at age 48 are alive at 65, while only six of ten single men and eight of ten single women make it to 65. Married men may have better immune systems as well, either from support or from nagging to monitor blood pressure, cholesterol, weight, etc... and may be at less risk to catch colds” (Waite and Gallagher). In addition to living longer, married men and women also have better financial stability, and they are less likely to commit suicide. Of

course, with these “ side-effects” of marriage, you would first have to be in a union and you would have to have the rights and privileges of marriage. Since these “ side-effects are actually beneficial, it would only make sense to permit all willing people to marry and grant them the rights of marriage, specifically same-sex couples. If you are happier, normally, you will be healthier, and you will live longer. If dying were the greatest harm, then life and living would be the greatest pleasure. Therefore, giving people a chance at a happier, healthier life would only be the morally and ethically right thing to do. The last of the four tenets of utilitarianism is a scope of morality. This states that “ Each being’s happiness is to count as one and no more and beings who count are to be made explicit, whether these are only humans or all sentient creatures” (Pence). For instance, take the couple Jack and Jim. Jack and Jim are legally married in one of the states that permit same-sex marriages. Jim becomes ill and he does not have insurance of his own. Jack does have insurance, but due to restrictions of same-sex marriage, Jim cannot use Jacks insurance. Where does Jim get the money to pay for treatment? He gets the money from the people who pay taxes. There are millions of uninsured people and of those millions a large portion of those people are in same-sex relationships. Allowing people in same sex marriage to have the benefits of using the health insurance of their spouse will be one factor in lowering the tax payments for the uninsured. The couples share health insurance and the rest of America may not have to pay as much for the taxes. This results in the best consequence for all. However, the motive may be selfish; paying less for some taxes, but this would be the right thing to do.

Principlism also uses four tenets, which act as criteria for determining the ethicality of certain decisions. These tenets are autonomy, beneficence, non-maleficence, and justice. The concept of autonomy, in essence, is free will. Autonomy allows for persons who are informed, competent, and unforced to state their freedom and pursue the maximization of their own individual liberties and values that matter in their own lives. Looking at Jack and Jim again, they both are fully aware of the rights, privileges, and responsibilities of marriage. They both are in great mental health and are mentally competent. They both are also willing to marry each other. They meet the criteria for having autonomy so they should be able to practice this concept. With having the free will, that autonomy grants the both of them since they feel that being married exercises their freedom and getting married would maximize their own individual happiness. Beneficence has always had an unclear place, in great part because to act kindly or generously toward others requires that we have some sense about what is actually good for them" (Callahan). The concept of beneficence, applied to same-sex marriage, can be a slippery slope in that many people try to incorporate religion into the concept and they try to show how same-sex marriage affects children. Again, religion does not offer concrete rules regarding morality. In addition, you cannot apply the morals of religion to those who do not practice a religious faith. You must take the person on his or her own merit. You must consider, without any bias, what is best for them. If a person cannot marry the person that they love, then this will surely cause some discomfort and some harm to them. In this, it would be kind and generous for anybody to allow those persons who want to marry become married.

“ Non-maleficence, for instance, comes down to a right not to have our mind or body harmed by another, to be left intact; and that is a historical variant of autonomy” (Callahan). This concept should include all aspects of harm not just physical harm. It should also not be limited to the interference with a person’s freedom, but it should work to protect people from threats to people’s values, political welfare, social relationships, and overall well-being. You should take Jim and Jacks natural right to not be harmed, mentally or physically, by any action. They should be left with their own autonomy as long as they are not causing any mental or physical harm to themselves or each other. If the concept is to not harm, be it mental or physical, then you should take into account that not allowing marriage will cause some kind of harm. Since harm will be caused by, withholding the rights of marriage is not ethical. Therefore, you must do the most ethical thing, which is to allow them to marry. “ As for justice, I take it that the whole point of treating people justly, or allocating resources to them in an equitable manner, is to allow them to function as autonomous persons, not discriminated against or harmed by inequitable treatment” (Callahan). Here, denying Jim and Jack the opportunity to get married will be unjust and unethical. Since there is and could never be any chance of marriage becoming scarce, there is no reason to withhold marriage from anybody, unless there is a just reason for doing so. This unjust reason may be too many divorces in the past or from trying to see some kind of monetary compensation. If Jack and Jim truly love each other and this can be proven, then there is no just reason to deny them marriage.

Based upon utilitarianism, principlism, and their four tenets, I believe in the legalization of same-sex marriage based upon the fact that denying this privilege is unethical and immoral.