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Paper 2

It IS Wrong to Discriminate on the Basis of Homosexuality!

In Jeff Jordan’s debate between the rights to marriage for same sex couples, he brings up two theories. The parity thesis and the difference thesis; the parity thesis being in support of same-sex marriages, and the difference thesis being against same-sex marriages. As Jordan discusses these two theories he makes a few assumptions that lead him to believe that it is okay to discriminate against homosexuals because of their sexuality. Jordan says that same-sex couples can be discriminated against in the public sector, but not in the private sector. This argument takes in a couple of assumptions that I will be pointing out. I will prove that there is never any case that it is morally acceptable to discriminate against same-sex couples.

To show these flaws I will take on each theory separately in the same way Jordan has presented them. First, Jordan gives a set of premises that lead to the conclusion in support of the parity thesis, and then he attacks them to show their flaws. I will prove his attacks are wrong and based on assumptions he is making about the public. By doing this I will restore the validity to the argument. Jordan then lists another set of premises that support the conclusion in favor of the differences thesis. I will show that several of these premises are not valid and based on assumptions Jordan makes, specifically the ones regarding accommodations being possible if states sanction same-sex marriages. I will then further explore these premises to prove that the difference thesis has little validity, and therefore, the conclusion is not valid. After looking at Jordan’s theories I will introduce a more sound set of premises that support the sanctioning of same-sex marriages. After considering, and disproving, some opposing views, I will summarize my theory on same-sex marriages.

Jordan begins with the following theory:

1.Homosexual acts between consenting adults harm no one And,

2. respecting persons’ privacy and choices in harmless sexual matters maximizes individual freedom. And,

3.individual freedom should be maximized. But,

4.discrimination against homosexuals, because of their homosexuality, diminishes individual freedom since it ignores personal choice and privacy. So,

5.the toleration of homosexuality rather than discriminating against homosexuals is the preferable option since it would maximize individual freedom. Therefore,

6. the parity thesis is more plausible than the difference thesis.

(Contemporary Moral Problems , White. 250)

Jordan tries to disprove this theory by saying “This is true, however, only if the acts in question are done in private” (White, 250). Meaning that we should only be able to discriminate homosexual behavior if it is done in public, but not if done in private. This attack is based on the assumption that people enjoy seeing heterosexual acts done in public. This, however, is not true. People do not like seeing any kind of adult behavior in public. Public affection is something that a high majority of people do not care to see while they are out in public. Aside from holding hands, embracing, and an occasional brief kiss. Any other act of affection between any kind of couples is looked down upon by the majority of people. Heterosexual acts done in public are just as offensive as homosexual acts done in public, to most people.

Also, if we didn’t allow things just because some people disagree with them and don’t want them in their life we would have to ban many other common place things. Examples are purchasing/consumption of alcohol or tobacco, cursing, video games, driving cars, R rated movies, etc. All of these examples are unwanted in society by a high number of people, yet they are still legal. A persons objection to an activity or lifestyle choice is not enough to morally deny people who find pleasure in that activity the right to participate in it. Same sex marriages should be allowed, like these other things, despite some people being against them.

Jordan bases his entire attack on his claim that homosexual behavior is only acceptable in private because a public act may involve an unwilling participant. Following this logic, a heterosexual act, or any act for that matter, done in public involves an unwilling participant if someone is near. This is not a valid argument against the parity thesis, and is based solely on assumptions and Jordan’s own beliefs. Therefore, Jordan’s attacks on this theory have no truth, and the parity thesis stands as a sound and valid argument.

Jordan then gives the theory in support of the difference thesis:

7. There are conflicting claims regarding whether the state should sanction same-sex marriages. And,

8. this controversy constitutes a public dilemma. And,

9. there is an accommodation possible if the state does not recognize same-sex marriages And,

10. there is no accommodation possible if the state does sanction same-sex marriages. And,

11. there is no overriding reason for a resolution via declaration. Hence,

12. the state ought not sanction same-sex marriages. And,

13. the state ought to sanction heterosexual marriages. So,

14 there is at least one morally relevant case in which discrimination against homosexuals, because of their homosexuality, is morally permissible. Therefore,

15. the difference thesis is true.

(Contemporary Moral Problems , White. 250)

In premises 9 and 10 Jordan says that there is an accommodation possible if the state does not recognize same sex marriage but not if it does recognize it. This, however, is wrong because accommodations can be made for either side no matter which way the state sides. Therefore this line of reasoning is moot. Heterosexuals aren’t required to partake in any same-sex activities just because same-sex marriages are sanctioned. Just because it is legal or illegal for homosexual marriages does not mean everyone has to agree with the decision, but disagreeing with the decision does not make it morally acceptable to discriminate against any group in our society. There may be very few actions in our society where everyone can agree on the morally correct action, but that doesn’t mean we shouldn’t allow any of these actions we can’t decide on to be legal. We must base our decisions on what will bring happiness to members of our society without reducing happiness to others.

There are many cases common to today’s society where we have two sides who believe two opposing theories. Despite this fact, we allow both sides to follow their own paths, with, in most cases, no limitations. Why should same-sex marriage be any different? Just because same-sex marriages are legal does not mean that heterosexual marriages are outlawed or that everyone must partake in them. The majority of the world is religious to some extent, I, however, am not. Does this mean I should be treated different in society? Should I not be allowed out of my home on Sundays because I don’t go to church? Is it only acceptable if I don’t show my lifestyle in public because it is not the way many people believe a person should live? No, I am free to choose my own beliefs and as long as I bring no harm to anyone else as a result, no one can force me to do otherwise. I am a straight male, but have no doubt in my mind that if homosexuals were allowed to marry it would bring no harm or alterations in my life, in any way.

At this point, after bringing up religion, I’d like to point out that no religion should be forced to marry two people if it is against their beliefs. While I don’t know why this is really an issue, it seems to be a common debate. I think if a religion is against homosexual marriages then homosexuals would not want to be bound together under that religions faith. Unless, the marriage is out of spite, an attack against the religion for not believing in their lifestyle. This idea defeats the purpose of marriage completely. Therefore, I believe that no religion should be forced to marry a couple that is against their faith.

After proving that there are accommodations for both sides no matter where the state sides, I have shown that premise 10 is invalid which then leads to premise 12 also being invalid. This is because there is now no reason not to sanction same-sex marriages if both sides can have accommodations. The assumption that no accommodation can be made, or that one is even needed, is the basis for the argument. Since both of these premises have been proven invalid; so too is the difference thesis. Having proven the parity thesis valid, and the difference thesis invalid I have also proven that discriminating against homosexuals based on the sexuality is never morally acceptable as Jordan has stated it is in the case of marriage.

Now I would like to propose a new set of premises to prove that same-sex marriages should be sanctioned by the state. To do this I will use a theory modeled loosely on the parity thesis presented by Jeff Jordan. I will then discuss why I believe this to be a stronger argument than the original. Following is my new theory for same-sex marriage:

1.Homosexual acts between consenting adults harm no one And,

2. respecting persons’choices in harmless sexual matters does not harm anyone outside of the relationship, and creates happiness within the realtionship. And,

3. when no harm is done to others, people should be allowed to do what brings them pleasure. Therefore,

4. discriminating against homosexuals for their sexuality is wrong, as it harms no one else, and is only denying them pleasure. And,

5. allowing same-sex marriages is preferable because it only benefits the same-sex couples, while not involving anyone else. So,

6. same-sex marriages should be sanctioned.

The first premise has already been discussed and found to be true by Jordan, so I will continue on. Allowing same-sex marriages does not force heterosexuals to partake in homosexual acts nor agree with them, as I have discussed already. Therefore, no harm is brought upon heterosexuals, and because the same-sex couple is affected positively, premise 2 is true.

People should be allowed to do anything so long as it does not bring harm to other individuals. If someone gets pleasure out of a given act and there is no harm done to other individuals, it is not morally permissible to deny that person their pleasure. This case seems pretty obvious, so premise 3 is true. Based on 2 and 3 being true, therefore 4 is also true. 5 is also true because following the logic that we want people in our society to be happy, there is no need to deny same-sex couples this happiness. 1-5 being true concludes, then, that 6 must also be true.

I think this theory is stronger than the parity thesis because it relies solely on individual freedom which is a right that same-sex couple already have. Although, there are people, like Jordan, who try to limit their individual freedom. This theory relies more on the moral dilemma of why it is wrong to discriminate against same-sex marriages. This theory is based on the happiness of a group of people that could be brought about without limiting happiness to others.

Now I will consider some possible arguments to my theory and show why they are not valid enough to bring fault to it. First I will look at the argument that heterosexuals are affected by same-sex marriages. Second I will consider the argument stating that same-sex marriages will ruin traditional marriages.

For those who may claim that they, being heterosexuals, are in any way involved by same-sex marriages are wrong in their claims. The only two people involved in a marriage are the two being married. Given that friends and family may be involved is a better argument but still fails because friends and family should always be concerned with their loved ones happiness. If they are not then they are acting selfishly for their own desires. Furthermore, if same-sex marriages continue to not be sanctioned gays will not disappear. They will always be a part of society. We will always see them in the public regardless of whether or not they are allowed to marry. By not allowing them to marry we are denying part of our society from fulfilling a dream that most our society has, to be married to a loving partner. On the other hand, by allowing same-sex marriages we let them fulfill that dream and nothing else changes in society. They will still be there in our everyday lives, just as they are now. They will not increase in numbers or cause heterosexuals to change their sexual orientation.

Now I will look at the argument that allowing same-sex marriages will ruin the traditional marriage. As we all know, marriages used to be arranged, and some still are. These marriages were more for a business gain and had nothing to do with love. So talk of traditional marriage is immediately thrown out. With it are also the arguments that marriage is strictly for child raising, but only for those couples who can create a child, a man and a woman. This argument cleverly sides steps the fact that same-sex couple could be loving families for adopted children, and tries to label marriage for its own reasons. There is little traditional about marriage these days, marriage has evolved from what it once was. This evolution of marriage will continue on forever. The truth is that there is no ‘traditional marriage,’ and this argument is just a way for those wishing to discriminate against same-sex couples to do so.

In conclusion same-sex marriages should be sanctioned because it is not morally right to deny members of our society simple pleasures when those pleasures are not at the cost of anyone else’s. Same-sex marriages will only benefit society by helping to destroy the social stigma that same-sex couples are different from anyone else in society, any more than we all are different from each other. We all have the same goals in life, and happiness is usually at the top of that list, regardless of sexual orientation.