

Why Same-Sex Marriage Supporters Call it 'Marriage Equality'

In a [recent press conference](#), it was striking how often Opposition Leader Bill Shorten used the term “marriage equality” and, equally striking, that not even once did he refer to “same-sex marriage” in criticizing the Government for not allowing a vote on this issue in Parliament, but insisting on a plebiscite.

We know that our choice of words affects our emotional responses and intuitions, including moral intuitions, all of which are important in deciding about ethics and values.

Striking examples of the impact of different words can be seen in surveys of the general public on euthanasia: when the words “assisted suicide” and “euthanasia” are used, far fewer people approve of these interventions than when they are described as “medically assisted death” – after all, we all want medical assistance when we are dying – or the “final act of good palliative care.”

So why are same-sex marriage advocates using the term “marriage equality”?

First, because equal treatment is often associated with fairness – sometimes mistakenly – “marriage equality” powerfully conveys the message that limiting marriage to a man and a woman is unfair and most people rightly recoil from acting unfairly.

Second, the call for “marriage equality” links same-sex couples’ claims to the right to marry to racial minorities’ claims to “racial equality” and the now universally recognized wrongs of breaches of human rights and of discrimination on

the basis of race. This linking strategy was a powerful force in the legalization of same-sex marriage in North America.

But is this analogy to racial discrimination correct?

Racial discrimination is wrong because whatever our race we are all the same and equal as human beings and have equal dignity – there is no relevant difference between us. Same-sex marriage advocates argue there is “no difference” between an opposite-sex couple and a same-sex one and, therefore, both should be treated in the same way regarding access to marriage. And, moreover, that failure to do so is discriminatory. But that “no difference” claim depends on making the naturally procreative relationship between one man and one woman, in general, irrelevant to marriage.

Same-sex marriage advocates seek this conclusion by arguing that marriage is about publicly recognizing two adults’ love for each other and not about procreation. Once it is legalized, however, they accurately point out that it has given them the “right to found a family” and the legal claims they then pursue, as is currently happening in North America, are for “family equality.” These claims often involve seeking to strike down legal barriers to assisted human reproduction, whether in relation to the prohibition of surrogacy or payment of surrogate mothers, access to “donated” sperm or ova, or to IVF technologies.

And what about “children’s equality”? Is “marriage equality” for adults also “children’s equality”?

At least on the whole, children in same-sex families will be missing either a mother or a father and often will not know who their biological parent and natural family are. Should we as a society endorse this deprivation as part of the societal norm that governs establishing a family? I once had a distraught young woman born from an anonymous sperm donation say to me, “How could society have thought they could do this

to us? Why didn't someone stop them?" (Recently many jurisdictions have recognized anonymous gamete donation is a serious ethical and legal wrong and have amended their law to reflect this new view.)

In short, as a society [we have obligations to children](#). While we must be careful not to trespass on rights to privacy and autonomy, especially in relation to reproduction, when society is complicit in enabling children's coming into being it assumes obligations to those children.

Finally, the term "marriage equality" disconnects what we are speaking about from sexual intimacy, which might influence whether some people approve of same-sex marriage. It is noteworthy in this regard, however, that sexual intimacy is seen as a necessary element of the concept of same-sex marriage, but, in contrast to opposite-sex marriage, same-sex marriage negates any factual or symbolic connection of that intimacy with procreation. Two heterosexual men who tried to marry could not do so, and, likewise, two old sisters who had lived together all their lives. Recently a mother and daughter were refused a same-sex marriage on the grounds that to allow it [would constitute incest](#). (Whether or not that is legally correct would be an interesting issue for law students to debate.)

In deciding whether to legalize same-sex marriage, it is not sufficient to take into account just what individuals want, much as we might empathize with their claims. We must also consider a wide range of factors relevant to the impact on society of doing so – especially the impact on children's rights, in general.

There are good (and bad) arguments on each side of the issue and we need to be aware of and respectfully explore all of them. The same-sex marriage debate is yet one more example of the conflict between, on the one hand, individuals' rights to autonomy and choice, and, on the other, the good of society,

both present and future.

We make that conflict disappear and do an end-run around the necessary debate through the use of obfuscating language or concepts, as Bill Shorten has done, at our ethical peril.

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