

# Gay Marriage: The Victory of Political Correctness and Bad Arguments

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(translated from the original version in Croatian)

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## ABSTRACT

Many Western intellectuals, especially those in the humanities and social sciences, believe that it is easy to show that the continuous and massive opposition to gay marriage is rationally untenable and merely a result of prejudice or religious fanaticism. However, a careful analysis of some popular arguments against the conservative position on marriage reveals that these arguments are actually based on logical errors and serious distortions of conservative criticism of gay marriage. The conclusion is that philosophers should resist the pressure of political correctness and we should approach this ongoing debate with more open minds.

It will never be known what acts of cowardice have been committed by the fear of not looking sufficiently progressive.

--Charles Péguy

## 1. ONE-PARTY CAMPUSES?

A few years ago I attended a philosophical conference in the United States that was dedicated entirely to nonpolitical topics. In a session about psychological experiments on emotions, the lecturer at one point made a short digression to criticize a typical leftist view. But immediately, and almost apologetically, he added: "To be clear, I also belong to the political left, as well as all of you here." There were 30-40 people in the room and it was quite obvious that the majority were not personal acquaintances of the lecturer.

If you wonder how he could have known (or thought he knew) with certainty the political views of his colleagues, it just shows that you're not acquainted with the

situation at American universities (especially in the humanities and social sciences). It is widely known, and abundantly confirmed by empirical research, that American professors gravitate toward the left side of the political spectrum (e.g., Ladd and Lipset 1975, Redding, 2001, Klein and Stern, 2006; Klein and Western, 2006). At many universities right-wingers are an endangered species. It should be pointed out that the word “right-winger” does not refer here to card-carrying members of the Ku Klux Klan or similar extremist organizations but rather to ordinary people whose only crime is that, when it comes to important political issues, they, like tens of millions of other Americans, are generally more supportive of the Republican Party than the Democratic Party.

Most of the research on political views in American universities gives similar results, but for the sake of concreteness I will just mention a few pertinent facts. For example, according to one study of registered voters, the departments of humanities and social sciences at Stanford exhibit a 14:1 ratio of Democrats to Republicans. At UC Berkeley this ratio is 20:1 (even the local professors sometimes call that university “the capital of the People's Republic of Berkeley”), and at Cornell this ratio rises to an impressive 28:1. In a recently published paper on the “shame of the one-party campuses in America” (Zinsmeister, 2002), we read that, again, judging by the list of registered voters, in the departments of sociology at Harvard, Brown, Cornell, Berkeley, and Stanford, there are 56 leftists and only one right-winger!

But what does this have to do with gay marriage, the topic of this article? Well, now we are turning to this question.

## 2. SCHOLARS AGAINST PUBLIC OPINION

Most people in the United States have clearly and consistently opposed the introduction of gay marriage. According to a poll conducted in July 2006, more than 56% of respondents declared themselves to be against the introduction of gay marriage, while only 35% supported the idea. Also, in the last ten years since the debate heated up, the support for gay marriage has always been below 40%, and the opposition has consistently been above 50%. An indication of public opposition to

the recognition of gay marriage is the fact that as many as 44 U.S. states enacted special legislation to protect traditional marriage as the union of two persons of the opposite sex.

On the other hand, the elite universities in the U.S. (and in other Western countries) are not only usually supportive of gay marriage but often claim that a victory in this debate (in terms of winning the moral argument) has already been achieved; this implies that the opposition to their opinion can only be the result of ignorance, irrationality, or religious fanaticism. Moreover, the authority of entire academic disciplines is often used to apply pressure on the public to accept gay marriage as soon as possible. Three U.S. academic associations (for [psychology](#), [sociology](#) and [anthropology](#)) have issued declarations in which it is claimed that the knowledge attained in these fields shows that there is no justification for limiting marriage to heterosexual relationships.

It seems to me that there has been a serious overreach in the attempt of these academic associations to influence public policy. Specifically, if the political decision regarding homosexual gay marriage crucially and clearly depended on certain empirical facts that scholars in these disciplines managed to identify, then it would indeed be legitimate for psychologists, sociologists, or anthropologists to say: "Since we have just discovered the truth about those key facts on which this political debate depends, we are informing the public that in the light of these new findings the introduction of gay marriage is the only legitimate move."

But it is evident that in this political debate there is no agreement about what the most relevant issues are, let alone about the role of empirical evidence in resolving the existing disagreements. Thus, the idea that social scientists, relying on the majority opinion of their professional associations, should instruct the public about how to choose among several proposals regarding the legal regulation of such a complex and highly controversial political issue as gay marriage reveals a surprising level of arrogance and confusion.

All these declarations by professional associations are nothing more than an attempt to bamboozle people with references to a supposedly “objective” and “unbiased” scientific analysis and thereby impose political views that most members of these associations happen to hold. Of course, if we take into account the previously mentioned and well-documented strong dominance of leftist ideology in the humanities and social sciences, it is easy to understand how it could happen that psychology, anthropology, and sociology stumbled upon “scholarly evidence” that, by a happy coincidence, “proved” that the best approach to gay marriage is the one that is advocated by most intellectuals on the political left.

### 3. WHAT DO PHILOSOPHERS SAY?

How are things going within our profession—philosophy? Has it escaped ideological corruption?

Not really. In [a special issue](#) on gay marriage published in the American Philosophical Association’s newsletter on LGBT issues in 2004 there were six articles, all resolutely supportive of gay marriage. No diversity of opinion there at all. There are other indications too that philosophers have already declared victory in this debate and that they also regard the massive opposition to gay marriage as a result of mere bigotry and intolerance.

For example, Canadian philosophers supported the legalization of gay marriage in that country. Once the petition was signed by 324 teachers of philosophy at Canadian universities and colleges, it was distributed to all members of the Canadian Parliament before the key vote in July 2005. The organizer of the petition, Norman Swartz (philosophy professor at Simon Fraser University), said that of all the philosophers contacted only two refused to sign, and not because they supported traditional marriage but because they were against marriage altogether. So, while according to opinion polls approximately every other Canadian was against the introduction of gay marriage, virtually none of the hundreds of Canadian philosophers expressed a similar opinion. For them, the discussion is obviously over. Moreover, matters here are so self-evident to these philosophers that they needed

only one sentence to explain why the approval of gay marriage is the only proper choice:

In Canadian society, there is no one single purpose for marriage, and to deny a couple the legal right to a civil marriage on the basis of their sex or sexual preference, is to deny their human rights.

In a similar fashion, the author of the undoubtedly most visited philosophical [blog](#) says: "It is impossible to give a rational explanation for why some people oppose gay marriage." Thus, any opposition is irrational.

On the popular website Askphilosophers, which was organized by a group of well-known philosophers to familiarize the general public with philosophy, someone [asked](#): "Are there any arguments against allowing gay marriage that aren't religious or bigoted or both?" The answer offered by prominent British philosopher and Head of the Department of Philosophy at King's College London was very short: "There are no good arguments meeting that description." So, if you do not fully endorse gay marriage, it means you are either religious or bigoted or both. (It is interesting to note that, despite so resolutely denying any legitimacy to the position held by the majority of people in this debate, this philosopher has never published a single work on ethics, an area that is totally outside of his philosophical interests.)

Well, a critic might say, these are isolated anecdotes about a few philosophers, but they tell us almost nothing about philosophy as a discipline. Surely it must all look very different if one turns to the work of those philosophers who have seriously addressed the problem of gay marriage. This sounds like a reasonable assumption, but let us explore it further.

A good source of information here is the recently published philosophical encyclopedia about sex. In the article about same-sex marriage we again find an ad hominem attack on opponents of the idea, who are described as being "primarily motivated by animosity toward homosexuals and lesbians" (Calhoun, 2006, pp. 652-653). This is disappointing. If even a philosophical encyclopedia assures us that

support for traditional marriage can be so easily dismissed as a sign of irrational homophobia, this shows that political correctness has made it difficult to have a reasoned philosophical discussion of this sensitive and complex issue.

Probably the most cited philosopher in the debate on gay marriage is Richard Mohr, a huge supporter of the idea and the author of a book on that very issue. Mohr was recently a guest on the popular radio program *Philosophy Talk*, hosted by two philosophers from Stanford University. At the very beginning of the interview Kenneth Taylor asked him: "Richard, are there any arguments that come from the other side that have given you even a moment's pause, any arguments that will at least keep you thinking, this is a place where I need to shore up my own side of the argument? Any of them at all?" Mohr replied, "No, what's interesting about the opposition to gay marriage side is that they really don't have any arguments." But what kind of discussion is it in which only one side has arguments? And why did Mohr consider it worthwhile to write a number of philosophical articles and a book about that whole debate in which one of the two sides has no arguments? Such a debate seems to be an oxymoron, something like "one hand clapping."

In the philosophical literature, the problem of gay marriage falls in the area of applied ethics or, more narrowly, sexual ethics. One expert in this field is Igor Primoratz, author of the book *Ethics and Sex* (Primoratz, 1999), which has been described by reviewers as "careful," "thoughtful," "competent," "convincing" and "required reading for interested lay people." What makes this book particularly relevant for our purposes is that it represents the opinion of a large number of philosophers. As one of the reviews helpfully remarked: "[This book] does not break new ground in any of these areas, but it does map known ground clearly and usefully, as a philosophical tome should." (Burgess-Jackson, 2000, p. 310).

This is particularly true of Primoratz's views on gay marriage, which largely correspond to what can be called the "philosophical consensus" on this issue, provided that we exclude those religiously inspired philosophers who oppose gay marriage because of a strong commitment to their faith. Primoratz says that although

the church, the mosque, and the synagogue must act by their own lights, civil marriage is a different matter. In the book and in a recent paper (Primoratz, 2004) he first analyzes standard non-religious arguments against gay marriage and finally concludes that none of these arguments is persuasive. The whole discussion ends with the statement that as long as the institution of marriage does not accommodate homosexual couples, “the state will be engaging in arbitrary and invidious discrimination that testifies to unthinking conservatism, prejudice, or both” (Primoratz, 1999, p. 131). So we are again facing the claim that the discussion no longer makes sense because the arguments are already decisive and any further opposition to homosexual marriage can only be the result of bigotry and obviously unacceptable discrimination.

Is Primoratz right or wrong? If he is right, then the political dispute over gay marriage is still continuing only because of the deep irrationality of all those hundreds of millions of people (including many highly intelligent and educated individuals) who lack even remotely credible reasons for their view. If Primoratz is mistaken, however, there is something basically wrong with his quick dismissal of the conservative stance as mere prejudice. I will try to show that the latter is indeed the case. Primoratz's “refutation” of several major conservative arguments against gay marriage is unconvincing because it rests on serious errors in reasoning and the distortion of the viewpoint he criticizes.

#### 4. REFUTATIONS THAT FAILED

In this section I will show that Primoratz failed to rebut any of the following four conservative arguments against gay marriage: (1) the argument from tradition, (2) the argument from the state interest in procreation, (3) the argument from concern for the welfare of children, and (4) the argument from the threat to heterosexual marriage. I do not intend to defend these arguments against all possible objections but only to show that Primoratz's criticisms of these arguments are unsustainable.

##### 4.1 ARGUMENT FROM TRADITION

Primoratz summarizes the argument from tradition as follows:

Throughout history, marriage has always been a heterosexual institution; homosexual marriage is unheard-of. Therefore marriage should remain heterosexual.

His main objection:

The fact that a certain arrangement has always been of a certain kind is no conclusive argument for the claim that it must remain that way. (Primoratz, 1999, p. 130; cf. Primoratz, 2004).

So according to Primoratz, the argument from tradition seems to be based on the elementary logical fallacy of inferring “ought” from “is.” But since, as is well known, conservative thinkers rely on the argument from tradition not only in the discussion of gay marriage but also in discussions of almost all other political issues, it would appear that Primoratz's refutation effectively destroys the entire tradition of conservative thought from Burke to Scruton. Is it possible that none of these philosophers has noticed the logical fallaciousness of an inference from “is” to “ought?”

Of course, this suggestion is absurd. But for the same reason Primoratz's criticism is untenable, too. In fact, conservatives do not defend the argument from tradition because they are so logically unsophisticated as to believe that it is possible to derive normative conclusions from purely factual premises. No, what they believe is that we should be extremely cautious with proposals for drastic changes of traditional social institutions because, in their opinion, such institutions incorporate a distilled human experience accumulated over centuries. Due to the enormous complexity of existing social institutions it is very difficult to anticipate the consequences of their elimination or radical transformation. It is from such considerations that conservatives draw the conclusion that sudden and revolutionary changes are more likely to lead to deterioration than improvement.

This is why many conservatives oppose gay marriage. The fact that marriage throughout human history has been between persons of the opposite sex is taken as a *prima facie* reason to believe that it is not wise to impose a top-down transformation of this important social institution. It is better to tread slowly and cautiously here



given the very real possibility of wide-ranging and potentially damaging consequences.

Primoratz is also wrong when he claims that the mere existence of exceptions to the norm of heterosexual marriage would show that the argument from tradition is wrong. If these exceptions are historically rare, the conservative argument can still carry a lot of weight. In addition, the main question is where there are any authentic historical examples of societies in which gay marriage ever had the *same* social status and recognition as heterosexual marriage. For it is precisely the equal status of the two kinds of marriage that philosophers and others are advocating in many Western countries. It is not clear that such a radical transformation of the institution of marriage has any historical precedent.

Primoratz further distorts the conservative position when he imputes to conservatives the view that the argument from tradition is a conclusive proof that we should preserve the status quo. In fact, there is no need for conservatives to advocate such a rigid stance. They are ready to accept reasons against some traditional institutions (if such reasons are persuasive) and even sometimes support the abolition of these institutions, but they still believe that in principle such steps should be undertaken slowly, with extreme caution and after estimating the risk of any side effects of these measures. In other words, when conservatives resist change, it is not necessarily because they have conclusive evidence that the status quo is the best solution, but simply because the argument from tradition is seen as a *prima facie* reason against radical change. They (typically) regard radical changes as too risky until it can be shown in a convincing way that the overall impact of these changes will not be harmful.

The argument from tradition, as applied to the issue of gay marriage, comes down to the claim that heterosexual marriage has been a strongly entrenched social institution throughout human history, and that it is unwise to rashly enter into experimentation with it, especially because its role and importance for the normal functioning of society may not be sufficiently understood. This argument can, of

course, be challenged in many ways, but certainly not in such a way that it is brusquely dismissed as an elementary logical fallacy that would not be committed even by freshman philosophy students.

#### 4.2 THE ARGUMENT FROM THE STATE INTEREST IN PROCREATION

Can the restriction of marriage to heterosexual couples be justified by the fact that only those unions may result in procreation? Since having children is necessary for the continuation of society, is it not an entirely legitimate interest of the state to take special measures to support an institution that contributes to that very purpose?

Primoratz again relies on just a single sentence to reject this justification:

If the state were to structure the institution of marriage with a view to procreation and nothing else, it would make marriage impossible for all couples that cannot or will not procreate: not only homosexual couples, but also heterosexual couples that cannot have children because of sterility or some other deficiency, those too old to have children, and those that could, but for whatever reason decide not to have children. (Primoratz, 1999, p. 130)

In another place he similarly states: "If procreation were its overriding concern, the law would rule out all nonprocreative marriage" (Primoratz, 2004).

At first glance Primoratz's argument may seem to be convincing. But only at first glance. If you think about it a little, it is easy to see that his reasoning is a non sequitur. For even if the sole reason for the state support of heterosexual marriage is procreation, it does not follow that the state would have to exclude from marriage all those couples who cannot have children. Such an inference is based on the incorrect assumption that the justification of a practice at a general (institutional) level must also be present as a justification at the level of each particular case.

Take the following analogy. The administration of an American school wants its students to improve their French, and to this purpose organizes their one-month visit to a language school in France. Now imagine that someone, using Primoratz's logic, says: "If the school administration's only purpose in organizing this visit is that the students should improve their French, then it should exclude those students who already know French (say some of them who are completely fluent in French)." It is

obvious, however, that the school administration need not act in this way. Despite the fact that the visit is undertaken *only* for the purpose of improving the students' French, the school board may decide that it is better to avoid the trouble of excluding a few students, and that the overall objective (improvement of French) will be achieved in a very satisfactory way even if a few participants will not benefit from the visit in this respect.

Marriage may work in a similar way. A state can support heterosexual marriage solely because of the expectation that this would normally result in increased procreation, but it may decide it does not want to deal with the many complications that would result if it denied the right of marriage to a small number of couples who for various reasons cannot have children. The government's objective can be achieved quite effectively without a very strict regulation that would permit marriage only in those cases where it is known that the general objective would be achieved. Such imprecise regulation has its practical advantages because it accomplishes the main aim in a simple way, and at the same time minimizes intrusive state interference in the private sphere. As someone said a bit crudely (but humorously): the state just wants to have a peek under the skirt or pants to check whether the candidates possess the necessary equipment for having children, but it has no intention of carrying out a detailed gynecological or urological (or psychological!) examination.

What is most surprising about Primoratz's not paying attention to the difference between the two levels of justification (i.e. a general rule vs. individual cases) is that this distinction has long been known in the philosophical literature, and especially in his area, ethics. For example, in a classic text, John Rawls warns:

...one must distinguish between justifying a practice as a system of rules to be applied and enforced, and justifying a particular action which falls under these rules" (Rawls, 1955, p. 5).

Rawls notes that this distinction is part of the philosophical tradition and that its importance was emphasized by many authors from Hume, Austin, and Mill to Mabbott, Urmson, Quinton, Toulmin and Nowell-Smith.

To recapitulate: Primoratz agrees that *if* the only purpose of marriage as an institution is advancing procreation, there would be a legitimate reason to exclude gay couples. But in the next step he wants to show that advancing procreation *cannot* be the purpose of marriage. Why not? Because some heterosexual couples are permitted to marry *despite the fact that they cannot have children*. This is an objection of inconsistency: it is suggested that if P (procreation) is the only reason why the state supports the institution of marriage, then P must be present in each case (or cluster of cases) to justify why the state allows marriage in this particular case. It is exactly here that Primoratz commits a logical fallacy and, ignoring Rawls's warning, jumps from one level to another. He loses sight of the fact that even if P is the *only* reason why the state supports marriage *as an institution*, it might have *some other reason* (different from P) why it allows marriage *in some specific cases* in which P is not present.

This other reason for allowing marriage, which is pragmatic in nature and not tied to the goal of the institution of marriage, may be present in one group (heterosexual couples who cannot have children) and absent in the other group (homosexual couples). This asymmetry could then justify different treatment of the two groups, while it may still be true that the state supports marriage as an institution only because of procreation.

#### 4.3 THE ARGUMENT FROM THE CONCERN FOR THE WELL-BEING OF CHILDREN

Primoratz presents this argument as the claim that gay marriage would be harmful to children. This initial formulation is already too strong as it shifts the burden of proof too quickly and without adequate reason to opponents of gay marriage. Many of them, however, insist that the onus here lies on those who defend the revolutionary proposal of the redefinition of marriage and who actually have an obligation to convince the public that this radical reform of family law would have no harmful effects on children. (Similarly, the approval of a new drug requires that

there is a reasonable certainty that it will not have overly harmful consequences. To have the drug approved it is certainly not enough that its harmfulness cannot be proved.)

Primoratz considers only one potential negative consequence of gay marriage, namely, that if it is developmentally optimal for children to have parents of the opposite sex then the children with gay parents will be deprived of that key benefit. In the next step Primoratz derives what he regards as the logical implication of this argument:

This would mean that we should ban the formation of single-parent families whenever possible. The law would not allow either artificial insemination or adoption to people who do not have a partner. Moreover, the law would not allow divorce for persons with minor children. Would anyone seriously advocate such measures? (Primoratz, 1999, p. 131 cf. Primoratz, 2004)

It is difficult to understand why Primoratz believes that all of these consequences follow from that particular argument. If the state privileges heterosexual relationships because it believes that such families create optimal conditions for child development, why would it have to prohibit all other arrangements that it considers suboptimal? I do not see any minimally convincing reason for this conclusion. Even if heterosexual marriage is set up as a model and the best solution for raising children, in those situations where that ideal cannot be met suboptimal arrangements could still be quite acceptable, and it would be irrational to ban them. In that spirit, why not enact specific measures to support the kind of family arrangement that is considered optimal for children while allowing (but not especially encouraging) some solutions that are not as good but are at least satisfactory?

Does it not follow from this that gay marriage, given that it is suboptimal, should also be allowed because it is at least a satisfactory arrangement? In fact, no. To be acceptable, a suboptimal arrangement must be at least minimally satisfactory, i.e. there must be a minimal degree of certainty that this type of family will not have

significantly negative consequences for children. Empirically it is an open question whether homosexual unions would be satisfactory in this respect, but even if they are, it still does not follow that they should automatically be subsumed under the institution of marriage and treated in the same way as heterosexual unions.

Many people believe that, in general, it is best for children to be raised by both of their biological parents (though, unfortunately, this is not always feasible). If we accept that this is an ideal, the claim that, with respect to marriage, heterosexual and homosexual relationships should not have the same status gains plausibility.

Specifically, why should the state give *absolutely equal* support to two types of unions that are so different with respect to how closely they approach that ideal? On the one hand, in heterosexual relationships children are *as a rule* raised by their biological parents, so here the reality is, statistically speaking, indeed well aligned with the ideal. In homosexual relationships, on the other hand, it is a *biological necessity* that the child (whether we are talking about adoption, artificial insemination, or even cloning) has a *broken* family relationship with at least one of its biological parents. In this *kind* of union, natural laws are an obstacle to reaching the ideal. So, if the optimum is a statistically expected result in one case and a biological impossibility in the other— isn't this a plausible justification for treating these cases differently? (Let me stress again that I do not want to defend this argument but only to point out that it carries some weight and is worth discussing.)

Let us now go back to Primoratz and say that it is impossible to take seriously his idea that from the fact that it might be best for children to have two parents of the opposite sex it logically follows that we should prohibit divorce between parents with underage children. I suppose it is easy to recognize where Primoratz goes astray, but here is the explanation just in case: what is good for children in general and under normal circumstances may not be good in those situations where enforcing the marital tie between two parents becomes hell for all family members.

Hardly anyone will deny that marriage is in some way connected with children. At the very least there is a strong statistical correlation because most

couples who stayed married for some time have children, and also the majority of children are born and grow up in the context of a marriage. Hence it seems entirely legitimate to ask how the introduction of gay marriage will affect the children in these families.

A common complaint against supporters of gay marriage is that in their campaign for gay rights they pay more attention to wishes and interests of adult same-sex partners than to the well-being of children who may be significantly affected by the new institutional arrangement. This objection is most powerful when it is directed toward those who see the whole question of gay marriage primarily as an issue of gay rights. Although this issue is an important dimension of the debate, arguably other aspects should be considered as well, and especially the possible implications of gay marriage for children. Since the empirical findings about this are still inconclusive, perhaps we can agree that opposing such a radical change without adequate knowledge of its possible consequences is not necessarily a sign that one is an irrational homophobe or religious fanatic.

To see how far philosophers are willing to go in their support of gay rights, without showing too much concern for the interests of children, the best illustration is Philip Kitcher, a prominent philosopher of science.

In an article on ethical aspects of genetic engineering, Kitcher (1997) compares two hypothetical situations in which there is a need for cloning. In the first case, the death of a sick child can only be prevented if it gets a kidney transplant within a period of a few years. But since there is no compatible donor, the parents want to clone the sick child and save its life later by transplanting to it a kidney from its clone, which will come into existence for that very purpose. The idea is, of course, that after the surgery each child will continue to live happily ever after, with just one kidney.

The second case is about two “loving lesbians” who want to have a child biologically related to each of them. They therefore request “that a cell nucleus from

one of them be inserted into an egg from the other, and that the embryo be implanted in the uterus of the woman who donated the egg”.

Which of these two cases strikes you as having a stronger justification for cloning? If you choose the case of the dying child, Kitcher would frown and tell you that cloning is actually more defensible in the “purer” case of the two lesbians. Thus, according to one of today's leading American philosophers, satisfying the desire of two loving lesbians has a greater moral urgency than saving a child's life.

Obviously I cannot go into a detailed analysis and critique of Kitcher's reasoning that leads to this paradoxical conclusion. But briefly, Kitcher's moral reservations in the first case are based on the worry that the parents use the second child as a mere means to save their first child, and that this is contrary to the fundamental principle of Kantian ethics. It is interesting that this objection has already been widely discussed in connection with an actual case where the parents of a girl named Anissa decided to have another child, again only because the bone marrow of the newborn could be used to help Anissa, who was dying of leukemia. (She was indeed saved this way.) However, some philosophers strongly condemned the decision of Anissa's parents, using practically the same argument as Kitcher (which he himself also applied to the Anissa case). A persuasive refutation of this argument can be found in an excellent article by James Rachels (1991), which shows how a philosophical critique of a completely legitimate parental decision has lost touch both with reality and common sense. Rachels was so revolted by these philosophical sermons that he finally stated: “Anissa and her family will forever after think that ethicists are jerks.”

#### 4.4 ARGUMENT FROM A THREAT TO HETEROSEXUAL MARRIAGE

Many people fear that the introduction of gay marriage could undermine heterosexual marriage and lead to many negative consequences for this entire social institution. Primoratz's comment: “This is a very general and indeed puzzling claim: we are never told just how is this supposed to work” (Primoratz, 2004).



Never? That is a pretty strong and ill-thought statement. It is shown to be false already after a cursory glance at the non-philosophical literature on gay marriage. Of many potential consequences that the skeptics have long and consistently warned about, I will discuss just two of them: first, the imposition of gender-neutral language, and second, dismantling the institution by opening the space to other types of marriage.

#### *4.4.1 Imposition of gender-neutral language*

Ten years ago, when the whole discussion about gay marriage was in its initial stage, the conservative David Frum crossed swords with a well-known promoter of gay marriage, Andrew Sullivan. Already at that time Frum offered a fairly detailed scenario of how the proposed reforms could undermine the institution of marriage:

Gay marriage, on the other hand, is not an extension of the existing law of marriage: It implies a reconstruction of the whole structure of family law to make it radically gender-neutral. The remaining connections between the law of marriage and human nature will have to be severed. You can't say, and in any case I don't think you would say, "Well, let's leave the old rules in place for the 97 percent of marriages that will be heterosexual and invent new rules for the 3 percent that will be same-sex." Law doesn't work like that. Somebody will have to go through the corpus of family law and the habits of our society with a fine comb, removing all references to "mothers" and "fathers," eliminating all the extant distinctions between "husbands" and "wives." (Frum, 1997)

Frum went a step further and gave the following prediction:

Andrew, three years after we allow gay marriage, it will be illegal for schools to send students forms with one empty space for the name of the mother and the other space for the name of the father.

At that time such predictions were probably written off by many as paranoid rambling of a right-wing thinker and the incitement of entirely irrational fears. But today, things look different. It has not been even three years since the Supreme Court of Massachusetts legalized gay marriage in that U.S. state, and there is already a campaign for changes in the wording of birth certificates. The argument is that the

equal status of heterosexual and homosexual marriage requires replacing the words “father” and “mother” by “Parent A” and “Parent B.”

We are not talking here about the demands of some marginal groups. The seriousness of the whole situation is best illustrated by the fact that Mitt Romney, the former governor of Massachusetts, found it necessary to address the national media and seek the support of the American public in his fight against the newly proposed gender-neutral terminology. (By the way, Romney is one of the most influential American politicians and a serious candidate for the next U.S. president.)

Some will say that the proposal is indeed dramatic, but that precisely for this reason it has no chance to be accepted anywhere. Isn't it silly to think that in a modern Western country the legalization of gay marriage could result in the words “father” and “mother” being removed from official legal documents like birth certificates?

Alas, such optimism is misplaced because the Orwellian linguistic reform has already been implemented in Spain. Last year the socialist government of Prime Minister Zapatero (who came to power after the terrorist attacks in Madrid) decided to replace the words “father” and “mother” in birth certificates with “Parent A” and “Parent B.” The justice minister explained that, just as Frum predicted, this was a “terminological adaptation to the new phenomenon of homosexual marriages.” But Frum was mistaken in his time estimate. He anticipated that the legalization of gay marriage would lead to the introduction of the gender-neutral Newspeak in three years. Spain has undergone the “terminological adaptation” in less than one year after legalization.

But why limit the terminological adaptation only to the sphere of government regulations and official forms? If words like “father” and “mother” become unsuitable because their very heterosexual connotation offends the tender feelings of homosexuals, wouldn't it be logical to go a step further and require that the use of these “discriminatory” terms be also banned in schools and newspapers? On this logic, even the most innocent references to real and undeniable biological differences

between heterosexual and homosexual relationships become morally intolerable and should be eliminated.

Advocates of gay marriage refuse to accept any other solution than full and equal status of homosexual and heterosexual marriages. They are not satisfied even with a proposal that would give gay couples all the rights that belong to married heterosexual couples, but only with the proviso that the word “marriage” be reserved for heterosexual unions. Although according to this “civil unions” proposal gay and straight couples would be the same in all but name, this residual nominal difference would be regarded as an insult and injustice that cries out to heaven.

In this spirit, Primoratz says that if society denies homosexual relationships the recognition and support that we provide to heterosexual ones, this will rightly be interpreted as “a declaration of inequality, exclusion, and contempt” (Primoratz, 1999, p. 129). But why contempt? What justifies the logical leap here from the claim that society does not value a certain relationship as much as some other relationship to the conclusion that society expresses *contempt* for the former? This jump can be rhetorically useful, but it has no logical justification.

After all, maybe society has a reason for reserving the word “marriage” for heterosexual relationships. Perhaps it really wants to demonstrate that it has a special interest in supporting such unions, even if it decides to give *identical* rights to partners in homosexual relationships. Why would that be a sign of *contempt* for anyone? Imagine that a government of a country with a low birthrate decides, among other measures, to introduce a special honorary title for families that have more than three children. Would the families with two children have a right to complain about this situation by saying that the government *despises* them?

#### 4.4.2 *Opening the space to other types of marriage*

The main argument in favor of gay marriage boils down to the contention that it is wrong to deny a couple the right to marry only on the basis of sexual orientation. If two people love each other, want to vow publicly that they want to live together and undertake obligations that come with marriage, isn't it unreasonable not to allow

them to do this just because these two people are of the same sex? This “argument from love” has convinced many people. If gays want to get married, why not permit them to do so? Why should we (heterosexuals) be bothered by this? What harm can follow?

Sounds reasonable. But let us examine more closely the consequences of this argument from love. The fact that two people love each other and desire a public recognition of their mutual affection and intention to live together becomes here a key justification for a right to marry. But what if three people love each other? Or four? Does that mean that polygamous marriage should be allowed? For example, if a man lives with three women and at one point the four of them decide to legitimize their living arrangement and get a stamp of approval from the government, is it not discriminatory to deny them that this right just because their union has four partners, rather than the usual two? Wouldn't this discrimination on the basis of the number of partners be just as arbitrary and morally unjustifiable as the discrimination based on sexual orientation?

Hold on, someone will say, how has the discussion of gay marriage suddenly turned to the issue of polygamy? Very simple. If loving someone becomes a decisive criterion for the right to marry (see, for example, the best defense of this position in Rauch, 2004), it is hard to deny that this argument also works well as a reason for legalizing polygamy.

Take the following tentative definition of marriage, which, I hope, reasonably reflects the common understanding of this institution in contemporary Western societies: marriage is a legalized intimate union of two people of the opposite sex who are not very close relatives and who publicly vow to live together.

The definition has the following four crucial elements:

- (a) two people
- (b) of the opposite sex
- (c) not very close relatives
- (d) publicly vow to live together

Love is closely tied to (d) because love is typically the reason why two people publicly vow to live together. Love is only accidentally associated with the other three elements. People of the same sex can love each other, contrary to (b). Love is possible between more than two people too, contrary to (a). Lastly, love can also happen between very close relatives (such as brother and sister, or mother and son), contrary to (c).

Supporters of gay marriage want to remove (b) from the definition of marriage, their reason being that for love and desire to live together it is irrelevant whether the partners are of the same or opposite sex. But is it not also irrelevant whether the loving relationship involves two or more people? In other words, if we remove (b) on the grounds that it is accidental and irrelevant for the primary purpose of marriage (love and intimate relationship), consistency arguably then requires us to remove the “accidental” and “irrelevant” element (a) as well, and basically with the same justification. This is that short and logically forced step from a certain way defending homosexual marriage to an argument for polygamy. (It does not follow from this, of course, that a general justification of polygamy would thereby be established. For it is quite possible that there are other and stronger reasons against this kind of marriage. But in this section we are discussing only a specific argument “from love,” and in particular whether the acceptance of that argument in favor of gay marriage opens the door to a defense of polygamy. The answer is: yes.)

The next step is obvious: why not also eliminate (c)? If a mother and (adult) son develop a mutual sexual attraction and decide to formally validate their deep emotional connection (while ensuring that they will not have children, thus avoiding the obvious problems with incest), wouldn't it be discriminatory to deny their request?

To be clear, I do not think that this is a conclusive refutation of the case for gay marriage. But isn't the fact that one of the strongest arguments in favor of gay marriage can be so smoothly replicated in another context and rehearsed in defense

of incestuous marriage a good reason to step back and think carefully before we decide to open the door to a carnival of new marriage types?

It is interesting that, even among themselves, supporters of gay marriage cannot agree on how to respond to the criticism that their position opens up space for the legalization of polygamy. Some protest and claim that there is no connection whatsoever between these two issues, while others happily admit the connection and even argue that the introduction of gay marriage is just the first step in a process that will transform the institution of marriage beyond recognition. This second position (which, incidentally, is adopted by Cheshire Calhoun, the author of the essay on same-sex marriage in the above-mentioned philosophical encyclopedia) agrees completely with the conservative opinion that the “argument from love” covers polygamy. The only difference is that conservatives are terrified of this consequence, while Calhoun and like-minded liberals cannot wait for it to happen.

In July of last year a group of more than three hundred LGBT activists, artists, journalists, lawyers, and university professors issued a public [manifesto](#) under the title “Beyond same-sex marriage: a new strategic vision for all our families and relationships.” This declaration explicitly states that advocacy for homosexual marriage is just a part of a broader effort to introduce and legitimize other, more diverse types of families. It claims that various modes of organizing the family “know no borders”. Accordingly, a thousand flowers should be allowed to bloom, and many alternative forms of families should be recognized, including those with more than two sexual partners and even more innovative arrangements, like the one in which “queer couples decide to jointly create and raise a child with another queer person or couple, in two households.”

If, as it is clearly the case, a number of prominent supporters of gay marriage publicly proclaim that their position logically leads to such extreme demands, should we then be surprised that many people are opposed to this whole movement and tend to think that gay marriage seriously threatens to undermine the foundations of the institution of family in its present form?

The concept of marriage, as we have defined it, prescribes the union of *two* people. So far I have discussed the possibility of relaxing this requirement and allowing more than two partners (polygamy). But logically speaking, this number may be smaller than two, i.e. one. Take the case of a man who has no friends, but is deeply attached to his pet and wants his special relationship with his loyal life companion to be officially recognized and celebrated. Why should this “marriage” be disallowed? After all, his relationship with Fido might be more meaningful and lasting than the relationships of many married couples. If love is the only criterion, then it is indeed not clear why this case should not be subsumed under marriage. For example, there is no reason to exclude it if the concept of marriage is understood in the sense proposed by Richard Mohr, one of the main advocates of gay marriage: “Marriage is the development and maintenance of intimacy through the medium of everyday life, the day-to-day” (Mohr, 2005, p. 61).

An objection could be raised that something is obviously missing here: sexual relation. But this is not really a problem. Some people have sex with animals. Moreover, Peter Singer, a professor of ethics at Princeton University (called “the most influential philosopher alive” in the *New Yorker*) recently explained that zoophilia as a sexual orientation is completely okay and that you need not hold off if you are sexually attracted to animals who reciprocate one’s desires. So nothing stands in the way of developing a deeper and more meaningful relationship with your pet, which in some cases might (why not?) evolve into marriage.

## 5. CONCLUSION

People oppose gay marriage for different reasons. Primoratz summarily dismissed some of those main reasons and tried to show that the opposition to gay marriage is irrational. We have seen that this attempt at criticism ended in failure.

Why did it happen? Primoratz is certainly not a bad philosopher. When writing about other topics, he is usually well informed, fair to opponents, and careful in drawing conclusions. Why was it so different here?

I do not want to indulge in speculation. Fortunately, it is much easier, and more interesting, to consider a similar question that does not concern one person but rather a general tendency among philosophers. Why are they so quick to defend gay marriage without any reservations, often using bad arguments that would not be tolerated in most other philosophical discussions? It seems to me that the best explanation of this trend is the aforementioned ideological pressure of political correctness in academia. Although in all Western societies today there is a lot of disagreement about whether the introduction of gay marriage is a good idea, the university elites don't have much tolerance for different opinions. The leftist ideology that dominates departments of humanities and social sciences has a very clear position: introduction of gay marriage is a moral imperative and the only reasonable option. Opposing it is a sign of religious bigotry or irrational prejudice against homosexuals.

A concrete example may best illustrate how this ideological pressure plays out in reality. Margaret Somerville is a highly respected Canadian legal scholar and ethicist who has already received honorary doctorates from five universities. But when Ryerson University in Toronto decided to grant Professor Somerville an honorary doctorate, things got complicated. Mass protests erupted once it came to light that she had written several articles opposing same-sex marriage. Although these articles do not contain any trace of homophobia but rather offer one of the best-argued cases against gay marriage, the mere fact that she defended this position was sufficient to provoke anger in both teachers and students. After their loud protests and petitions against Somerville, the university nevertheless decided to stick to its decision to award the honorary doctorate, but not without a clear attempt to appease the critics. According to a report in *Globe and Mail* (June 17, 2006):

The awards and ceremonial committee of the university's academic council goes on to say that "many of us disagree strongly with some of her opinions" and that they had been "unaware" of her views when they decided to give her the degree. If they had known those views, it would have given them "serious pause before approving the award."



Translation: "We recognize that we made a mistake. However, what can we do now? We are sorry, but it's too late to withdraw the decision." Although this case probably deserves to enter the Guinness Book of Records as the most unenthusiastically awarded honorary doctorate in history, Somerville still decided to attend the official ceremony. In protest, some teachers refused to take part in the event (which also included their own students' graduation), and when Somerville received the honor some of them shouted support for gays or demonstratively turned their backs.

Of course, if a person with the status and scholarly reputation of Margaret Somerville was treated this way, the message could not be clearer to all those who have not yet earned a secure place in the jungle of the university hierarchy. How many of them, after learning about what happened to her, would be prepared to publicly express their view on gay marriage if it deviates from the attitude of the militant majority? Wouldn't many of them try to convince themselves, as quickly as possible, that the opposition to gay marriage is really just the result of prejudice and irrationality, even if their subscribing to the "correct opinion" is engineered with the help of logical errors and distortions of the opponents' position? And wouldn't those still holding the unpopular view soon conclude that it is better to shut up and not risk being branded by their outraged colleagues as homophobes, political troglodytes, and violators of basic human rights? As Somerville herself warned: "Many young academics are terrified to speak out because they don't want to put their careers on the line. We have to remember we're a democracy."

It is particularly disappointing that too many philosophers entering this unfinished debate have construed it as a struggle between reason and prejudice, between light and darkness. One would expect that philosophers in particular would avoid such black-and-white imagery and devote additional effort to understand better the views with which they might personally disagree. Isn't their duty to engage in the fair and meticulous analysis of the position they criticize? Isn't their obligation to consider it in its strongest and best formulation? Instead, we have

witnessed how philosophers pledge uncritical support for gay marriage and reject the opposite view without any semblance of a deeper understanding of that position.

Unfortunately, this tendency to turn philosophy into political activism is not limited to the discussion of gay marriage. It is now manifest in “philosophical” debates on many other socially sensitive topics. With such an attitude philosophy not only misses the opportunity to bring more clarity and rationality to the disputes that are already sufficiently poisoned by ideological animosities, but it damages its own reputation. Namely, if committed to the progressive agenda of social justice they continue betraying their distinctive philosophical task of impartial analysis and search for truth, the end result may be that soon no one will take them seriously *as philosophers*.

How much trust can remain in the relevance of philosophical discussions if we see that the philosophers themselves massively rush to join the fight for leftist political goals, instead of nurturing impartiality, open-mindedness and critical spirit—the defining marks of the discipline of Aristotle, Hume and Kant? There is a lot of truth in Steve Sailer’s warning to lovers of wisdom: “Philosophers of the world, get real! You have nothing to lose but your irrelevance.”

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