

Homosexuality

Moral Status & Tolerance

1 Three Questions

Three Separate Questions

1. Is homosexuality immoral?
2. How should homosexuality be treated under the law (generally)?
3. Should homosexual couples be allowed to marry?

These are separate questions. Answering “yes” to 1 does not entail that we should regulate homosexual practices under the law. While some immoral practices *are* regulated by laws, many are not (e.g., lying, betrayal, etc. are perfectly legal). The conditions under which we ought to regulate “immoral” practices may be controversial, but in general we do so when the practice infringes upon the right of another (e.g., murder), or when the practice produces certain social harms (e.g., drug use).

Note also that answering “no” to 1 does not entail that we ought to allow homosexual couples to marry. Even if we think homosexuality is morally acceptable, we may disapprove of gay marriage on other grounds/ (e.g., We might hold that the purpose of marriage is to foster a solid foundation for having children and raising a family. Since, without external resources, gay couples cannot have children, marriage cannot serve that purpose for them. Such claims, of course, are not uncontroversial.)

2 Nava & Dawidoff

Nava & Dawidoff

Address question #2

Discriminatory Practices

1. Sodomy Laws
2. Don't ask/Don't tell policies
3. No legal protection from societal discrimination
4. Exclusion from certain heterosexual goods (e.g., marriage, adoption, etc.)

Note that sodomy laws have since been declared as unconstitutional by the Supreme Court (as of 2003).

Relevant Rights at Stake

1. The right of privacy
2. Equal protection under the laws

The Legislation of Morality

We are justified in legislating morality *only* insofar as the practice in question:

1. Violates another's rights, or
2. produces social harms

They claim that:

1. Gays do not commit sexual abuse more than straights, and
2. family formation is not at risk because of lesbian and gay equality

"Gays and lesbians do not seek the right to be homosexual. This "right" is not one within the authority of government to give. They are fighting for the right to secure the conditions under which they may lead ordinary civilized lives."

3 Horowitz

Via the threat of lawsuits for discrimination, U.S. is "increasingly mandating homosexuality". There are several consequences that result:

1. Wherever such laws exist, they will attract homosexuals, lending them political strength in the communities where they reside.
2. Many homosexuals will seek to become gatekeepers, leading to the preference of homosexuals, and harsh anti-gay punishments (e.g., in colleges).
3. They will create market bottlenecks. (Not quite sure what the author is getting at here. He claims that prices for heterosexuals will be higher and wages lower, but he then goes on to talk about the economic advantages homosexual couples receive if they are given the same benefits as married couples. Connection?)
4. The new legalism will increase heterosexual anger — and even violence — toward homosexuals.

Gay activists, by wanting to prohibit things said against them, disregard the free speech of others. (e.g., Articles in a gay tabloid routinely call for removing freedom of speech from anyone alleged to be "homophobic"). They also have little respect for right to privacy (e.g., the tabloid *Outweek*).

Objection: Ad hominem attack: Even if these claims were true (and gay activists were being hypocritical), that isn't a reason to claim that the free speech and right of privacy of homosexuals should not be protected.

Objection: That there is a danger of frivolous lawsuits does *not* entail that protections should be eliminated.

Objection: Do his anecdotes accurately represent the gay community in general (or just a handful of extreme examples)?

Carl F. Horowitz

His aim: Question the legitimacy and integrity of the gay movement.

His criticisms include:

- A claim of hypocrisy
- Threat of violence
- Anti-discrimination laws entail indirect affirmative action

Questions to think about:

- Could anti-discrimination laws lead to discrimination *against* heterosexuals?
- Should we (and to what extent ought we to) regulate speech against homosexuals?