The Opportunities Of The Same-Sex Couples

Same-Sex Couples Research Paper

From centuries ago to today's world, marriage has been very common among millions of Americans. However, it has become a new social phenomenon how our world is evolving around same-sex marriage, which is characterized by "the legal union between two people of the same gender" (Legaldictionary.net). Indeed, it has become more common and accepted across the nation in today's modern world, however, it still has eyebrows raised when looked upon at and cases where they are not granted many opportunities. Over the course of years, same-sex couples have been beaten up by society because of their choice of sexual orientation or their choice of partner and because of this, same-sex marriage has become one of the most divisive political issue in our nation. Negative aspects come from different culture beliefs, morals, religion, and overall social norms. Though, we live in a representative democracy where despite one's race, ethnicity, color of skin, sexual orientation, or sex choice of partnership – we should all be treated equal. America is considered the "land of the free", but perhaps it is still a burden for homosexuals to embrace themselves and gain equality within our society. With that being said, in this paper, it will be argued that same-sex couples should receive the same equal opportunities as heterosexual couples. My opinion is affirmative towards this topic because our country has civil and human rights that same-sex couples are entitled to and discrimination can lead to second-class citizens and have a negative effect to their social and emotional well-being. In addition, this paper will include an opposing view against same-sex couple equality due to the freedom of religion and speech.

Same-sex marriage has been a controversial political issue for a very long time now, and it has gone through various movements and challenges by citizens and the government to gain its freedom and legalization in the United States. According to an article "Debating Same-Sex Marriage: Lessons from Loving, Roe, and Reynolds" by Phillips and Yi, in 2015 the United States Supreme Court decision – Obergefell v. Hodges – made same-sex legal in all 50 states and a fundamental right under the fourteenth amendment's due process and equal protection clauses (25). This ruling was a highpoint for same-sex couples that went through decades of struggles, setbacks, and victories in the journey of legalization of marriage in the United States (Histroy.com). Like mentioned above, same-sex marriage went through many complications and denials such as bans across many states that first started in Minnesota where in 1970, Richard Baker and James McConnell applied for a marriage license and got denied (History.com). The couple appealed, and the Supreme Court declined their proposals and blocked federal courts from ruling on same-sex marriage for decades that left the decision to the States, however, rejection after rejection kept occurring (History.com). Furthermore in 1973, Maryland became the first state to create a law that defines marriage as a "union between a man and woman" which was a belief held by many religious groups, and many other states such as Virginia, Florida, California, and Wyoming all adopted this law as well (History.com). However, the gay rights movement saw some advancements in the 1980's where Harvey Milk became the first openly gay man elected to office, therefore, this led to progress to fighting for same-sex marriage (History.com). Indeed, in the early 1990's, same-sex couples found hope when San Francisco Board of Supervisors passed an ordinance which allowed homosexual couples and unmarried heterosexual couples register for domestic partnership (History.com). Three years

later, the District of Columbia also passed a similar law that allowed same-sex couples register as domestic partners and allowing partners to receive health care coverage if their significant other was employed (History.com). This milestone then led to Hawaii where in 1993, the highest court ruled that a ban on same-sex marriage would violate the constitution's Equal Protection Clause, which guided towards making gay marriage legal (History.com). Significantly, challenges occurred where opponents of gay marriage responded to Hawaii's 1993 court decision in Baehr v. Lewin, and the U.S Congress passed the Defense of Marriage Act (DOMA) in 1996 that President Bill Clinton signed into law (History.com). This law did not ban gay marriage outright, however, it only allowed heterosexual couples to be granted benefits and prohibited same-sex couples to not file income taxes jointly, sponsor spouses for immigration benefits, and receive spousal social security payments that were all setbacks for equality among same-sex couples (History.com). Years later, everything changed where in the year 2000, Vermont became the first state to legalize civil unions which is a legal status that provides marriage state-level benefits (History.com). By the same token, Massachusetts became the first state to legalize gay marriage when the Supreme Court ruled that same-sex couples had the right to marry in Goodridge v. Department of Public Health and it began issuing same-sex marriage licenses on May 17, 2004 (History.com). On the other hand, later that year the U.S Senate blocked a Constitutional amendment where gay marriage was outlawed across the country, which was supported by George W. Bush (History.com). Moving forward, in the early 2010's the continued state-level battles over gay marriage occurred. In 2012, Maine, Maryland, and Washington approved for amendments permitting same-sex marriage, however, the DOMA act was being aware by courts which led to going against same-sex marriage (History.com). Moreover, in May 2012, President Obama was the first president ever to have endorsed same-sex marriage and taking change on this ongoing issue which led to the Supreme Court ruling of the legalization of same-sex marriage in all 50 states (Bianco and Canon 134). As you can see, many challenges, setbacks, and successes occurred for the journey of legalization of same-sex marriage, however, inequality among opportunities and their civil rights still occur in this day and age, as opposed to heterosexual couples.

Same-sex marriage couples should receive the same equal opportunities as heterosexual couples because they deserve to be granted civil and basic human rights that are established within our country. As stated by Joseph and Barry in their article "Same-Sex Marriage: A New Social Phenomenon", "permitting same-sex marriage is allowing individuals exercise their fundamental human rights to marry the person of their choice without restrictions regarding religion, nationally, ethnicity, race, or sexual orientation, and that not treating them equally would represent a denial of basic human and civil rights" (538). By definition, civil rights are "rights that guarantee individuals freedom from discrimination, and that these rights are generally grounded in the equal protection clause of the Fourteenth Amendment and more specifically laid out in laws passes by Congress, such as the 1964 Civil Rights Act" (Bianco and Canon 128). In support of this position, Joseph and Barry has stated that according to Article 16 of the United Nations Universal Declaration of Human Rights, "Men and women of full age, without any limitations due to race, nationality or religion, have the right to marry and to found a family, and they are entitles to equal rights as to marriage and at its dissolution" (540). Even though there are still inequality among gay couples, the support for them have increased over the years. According to the textbook, an ABC News poll indicated that 63 percent of Americans believe that same-sex couples should be entitled to the same benefits as heterosexual couples, where 32 percent think they should not (Bianco and Canon 134). However, civil rights are supposed to protect one from discrimination both by the government and individuals, however, same-sex couples still receive discrimination and inequality across our nation. For example, in a

news article called “Colorado Baker Refused to Create Same-sex Couple’s Wedding Cake” (USATODAY), a baker in Colorado refused to create a custom wedding cake for a same-sex couple, based on his religious views, and this held a lot of controversy due to the liberty of freedom of religion and the civil rights of non-discrimination of individuals despite their sexual orientation. This article represents inequality among gay couples, and how they are denied services because of their sexual orientation. Another news article called “Our Same-sex Marriage didn’t Protect Us From Housing Discrimination that Broke our Hearts” (USATODAY), a same-sex couple ages 72 and 68 in St. Louis, got denied housing when asked about their relationship, and would be violating the housing’s “cohabitation policy” because of their view on marriage. These examples have brought fears to same-sex couples, and as well as the LGBT community, and that despite having the freedom of same-sex couples being able to marry in every state in the country, many of them still live through anxiety and fear of losing their jobs, denied housing, or simply getting denied goods and services. Furthermore, another point stated by Joseph and Barry is that “because same-sex couples are also tax-contributing members of society, they should not be denied the numerous benefits, advantages, and rights provided to opposite-sex couples, such as employment, housing, inheritance, immigration, child adoption, social security, insurance, healthcare, retirement, pensions, and many other opportunities that are available within our country” (542). Moreover, not granting same-sex couples their civil and human rights, it overall affects their financial, social, and emotional well-being.

Furthermore, same-sex couples should receive the same equal opportunities as heterosexual couples because discrimination and denial can lead to second class citizens and a negative impact on one’s social and emotional well-being. Frost et al has stated that “Political and legal debates over same-sex marriage have cast a spotlight on same-sex relationships and sexual minority health” (455). According to their article, Joseph and Barry stated that denial of privileges would be unequal, unfair, and discriminatory with the result that lesbians and gays would be treated as second-class citizens (540). Second class citizens are defined by a citizen which is a member of a group who are denied the social, political, and economic benefits and who is not accorded a fair share of respect, recognition, or consideration (dictionary.com). For example, during the 1960’s, Stonewall riots began where police officers raided gay bars and fights would breakout such as throwing stones, beer bottles, breaking windows, and starting small fires due to how people at the gay bar were being treated unfairly by the police (Bianco and Canon 134). According to chapter 5 Civil Rights in the textbook, “the most recent group to engage in the struggle for civil rights is the LGBTQ community and that for most of American history, gay men and lesbians lived secret lived and faced abuse and discrimination if they came out” (Bianco and Canon 133). This often leads to stress, anxiety, and fear among same-sex couples, and therefore has a negative impact on their health. For instance, Kamen, Burns, and Beach conducted a study where they implemented a minority stress model which they measured psychopathology in lesbian, gay, and bisexual individuals (1373). In relation to previous research, there are indications that several unique and specific variables have impacted same-sex couples’ functioning, specifically those variables related to discrimination (Kamen et al. 1374). They also indicated that individuals with marginalized social identities are subjected to chronic levels of stress as the result of their stigmatization or their minority status (Kamen et al. 1374). Their findings concluded that LGB individuals reported heterosexist discrimination in the workplace, community, and other social locations both directly and indirectly, and reported more depression, health problems, psychological distress, and job dissatisfaction (Kamen et al. 1376). In addition, Kamen et al. concluded that gay couples report more stress and anxiety about potential violence and harassment (1384). Moreover, despite the U.S Supreme Court’s 2015 ruling that made same-sex marriage legal in all 50 states, the

social, political, and legal controversies surrounding same-sex marriage in the United States are deeply rooted and vary across social settings and geographic locations (Frost et al.). This is important to be argued because active discrimination based on sexual orientation is still evident within our society beyond their legal rights and liberties, and has left a negative stigmatization on many individuals.

On the other hand, many would argue that individuals have the right to exercise freedom of religion and speech when their belief systems do not align with others. According to the textbook, the first amendment states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances” (Bianco and Canon 94). In addition, the government cannot prohibit people from practicing their religion (94). Referring back to the cake shop owner Jack Phillips, he did not want to bake a wedding cake for the same-sex couple Charlie Craig and David Mullins, because it would have violated his religious beliefs (Bianco and Canon 101). Moreover, according to an article “Religion and Attitudes Toward Same-Sex Marriage Among U.S. Latinos”, there are many religion groups such as Catholicism and Protestantism, that are opposed to same-sex marriage and homosexuality in general due to the reasons of bible scriptures in the new and old testaments that confirms their strong belief that marriage should only be between a man and women (36). However, despite the religious views on same-sex marriage, that is still not a reason to allow discrimination against others. Though, religion shall be practiced freely, homosexual individuals are still humans and not allowing access to goods and services are deemed unethical. After all, in relation to the Colorado baker case, the Court affirmed that LGBTQ people should have “equal access to goods and services under a neutral and generally applicable public accommodations law” (Bianco and Canon 102).

In essence, same-sex couples should receive the same equal opportunities as heterosexual couples because our country has civil and human rights that should be granted despite differences, and discrimination can lead to second class citizens and have a negative effect on their overall well-being. This political topic is important to argue because despite having differences in sexual orientation, one should not be treated unfairly, and should not be rejected to receiving the same opportunities such as goods and services, as opposed to heterosexual couples. Every citizen in the United States are protected by our civil rights and liberties, therefore, same-sex couples shall not be excluded.

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