

## Questions for Discussion

*Philosophy of Love, Sex, and Marriage: An Introduction*  
by Raja Halwani

### Chapter 10

1. Explain the idea that sex can be engaged in for the reason or purpose of promoting (or honoring) the good of marriage, as the new natural lawyers claim.
2. Compare and contrast George's and Lee's claim that non-marital sex acts make us use our bodies merely as a means with Kant's similar claim.
3. Evaluate Finnis's claim that even if two gay men (or women) intend to or hope that their sexual act expresses their love, they are deluding themselves, and that their sexual act is on a par with a man having sex with a prostitute or engaging in solitary masturbation.
4. Would the new natural lawyers accept the following claim? Anal and oral sex between a married heterosexual couple is morally permissible so long as it is *intended* to be a form of foreplay preceding penal–vaginal sexual intercourse. Would they accept this similar claim that anal and oral sex between a married heterosexual couple is morally permissible so long as it is, or ends up being, a form of foreplay preceding penal–vaginal sexual intercourse (regardless of the couple's intentions)? Why or why not?
5. Suppose that John and Susan, in the example given by George and Lee above, are not married and have sex for reasons that have nothing to do with the good of marriage. Is it true, as George and Lee claim, that Susan is irrelevant to John (and vice versa)? How many types of cases can you distinguish here?
6. Explain in a convincing way George's claim that casual sex disintegrates the self of the person having the sex.

7. Is there a *moral* difference between a sexual act engaged in by a heterosexual, sterile couple, and a sexual act engaged in by a homosexual couple, assuming that both love each other, that both have been together for the same number of years, and so on?
8. Why should brothers and sisters not be allowed to marry each other? Why should people not be allowed to marry their pets? Would it make a difference to your answer if the marriage were sexless (the married couple will not, and do not intend to, have sex)?
9. What does the claim, namely that homosexuality and heterosexuality are “states” whereas polygamy, bestiality, and incest are activities, mean? Is it true?
10. Is it true that, as Rauch claims, allowing incestuous marriages would devastate families because it would legitimize “sexual predation” in them? Does incest necessarily involve “sexual predation” (which means what, by the way)?
11. What does the claim that marriage “domesticates” men mean? Is it true? Why and how?
12. Can you come up with a convincing list of one, two, or three purposes of marriages? Explain also why they are purposes instead of byproducts of marriage.
13. Are there additional arguments as to why same-sex marriage undermines heterosexual marriage?
14. Are you convinced by Mohr’s view of moral equality? Why or why not?
15. According to Mohr’s view, the Catholic Church regards gay people with disrespect – as morally unequal to straight people – because it views them as morally disordered. Is this true? What about the Church’s position captured in the slogan “Love the sinner, hate the sin,” especially in light of Mohr’s definition of moral equality?

16. Are there good explanations – other than holding gay people in lesser regard – for why America is willing to allow gay couples to form domestic partnerships but not grant them the right to marry?

17. Suppose that Calhoun is right that prohibitions against same-sex marriage somehow displace gay people from civil society. What sort of displacement is this? How does it actually manifest itself? Is it merely theoretical displacement, almost on a par with Mohr's view that society regards gay people as morally inferior?

18. Are there any additional differences or similarities between Calhoun's and Mohr's arguments and positions for same-sex marriage?

19. Calhoun gives two options for political strategizing regarding same-sex marriage, and she opts for the first. I argue that the first option is morally compromised. Whose view do you think is more plausible? Why?

20. Is Card making an *analogy* between rights to own slaves and rights to marry, or is she using slavery as an example to make a point about marriage rights? Which would be a more plausible or charitable way of interpreting her view?

21. Suppose that we fix marriage laws so that the state no longer grants and enforces legal rights of access to each spouse for the other spouse. If we set aside a symbolic role for the state in marriage and laws having to do with the welfare of children, would the state have any interesting or substantive role left to play in marriage?

22. Suppose that we agree with Card that evil is a culpable wrong which “foreseeably produces intolerable harms.” Would it follow that the *institution* of marriage is an evil because it “hinders an abused spouse from exiting an abusive relationship before intolerable harm is done” or only that some particular marriages are evil? And what would Card say to the objection that “Nobody forces people to marry. If they marry and end up in an abusive relationship, they have no one else to blame but themselves”?

23. Do you agree that even if the state is not involved in regulating the intimate relationship between two people, it would still have to be involved in regulating their relationship with their children? *Should* the state have this role?
24. If you agree that the state should have a role in monitoring the welfare of children, to what extent can this role be separated – practically and theoretically – from its role in regulating the intimate relationship of the parents?
25. Suppose that, if many gay couples marry, they would have a serious impact on marriage. Given what you know about gay couples, both male and female, provide some examples of how they might change marriage for the better or for the worse.
26. What sense can you make of the idea that marriage disciplines or regulates other types of relationships?
27. Are there any *good* reasons or justifications for why marriage should occupy an elevated status in society?
28. What political options are also available, in addition to the ones offered, regarding whether to pursue rights to same-sex marriage? Which is the best to pursue? Why?
29. What should morally decent people do if rights to same-sex marriage, but not to universal healthcare, were attained? What political strategies should then be adopted?
30. What happens if rights to same-sex marriage were attained but marriage is still not satisfactorily reformed (in light of Card's objections to marriage)?