Arguments For Legalization Of Same-sex Marriage

The concept of marriage has emerged since thousands of years. Its meaning and format have evolved throughout the history. Nowadays, marriage is deemed as an institution created for the purpose of celebrating love among partners in front of everybody else. It is granted as a human right for everyone to witness their love in law. However, issue has been raised up on whether same-sex marriage should be legalized or not when people relate marriage with homosexuality. Some people think that love is about the internal feeling of the couples and self-identification is enough for recognizing their relationship. However, self-identifying the love relationship by the homosexual couples may not be able to ensure their individual freedoms and rights as guaranteed by the law. In this essay, I will argue that self-identification cannot ensure and protect the homosexuals' freedom of love and civil rights provided to them, and legalization of same-sex marriage is needed as a result. This will be justified by showing how legalization of same-sex marriage affect the individual freedom of homosexual couples and proving that it can ensure the rights of the homosexuals to enjoy the social benefits, regardless of their sexual identity.

First of all, self-identification cannot ensure homosexual couples' individual freedom. Everyone enjoys the freedom to cherish their love and publicly express love for one another, regardless of their gender and sexual orientation. Also, people should have the freedom to marry the person that they want to spend the rest of their life with. No one can infringe the others' right to make a choice on their life partner. The decision of the homosexual couples to marry each other and raise a family together should be respected and recognized legally. According to the Rights of Individual defined by the Constitutional and Mainland Affairs Bureau, all human beings are born equal and have equal opportunities in every aspect of their lives (Constitutional and Mainland Affairs Bureau, 2014). Besides, it is stated in the Hong Kong Basic Law that "the freedom of marriage of Hong Kong residents and their right to raise a family freely shall be protected by law" (Basic Law Art 37, 2017). However, without legalizing same-sex marriage, the relationship between homosexual couples is not recognized legally and their choice of future partners is deemed as unapproved in the society. Their freedom of choosing their future partner is limited as well. Therefore, in order to protect the individual freedom of the homosexuals, law should be passed to recognize the relationship between the homosexual couples legally.

Many civil rights and social benefits are conferred by marriage and the legalization of same-sex marriage can ensure that the homosexuals enjoy the civil rights regardless of their sexual identity. Homosexuals are parts of the society and they should have the rights to enjoy the social benefits provided to the members of the society by the government. Without legal marriage certificate, the homosexual couples are difficult to prove their marital status and enjoy those benefits. Marriage is often essential to obtaining and keeping adequate health insurance coverage for both members of the homosexual couple and their children. For example, in some companies, health insurance is not only provided to the employees, but also the legal partner and other family members of the employees (Stewart, 2015). However, the application of those health insurance plans always requires the legal proof of marriage. Apart from health insurance coverage, hospital visitation right is another example showing the importance of making same-sex marriage legitimated (W & Stephen & M, 2015). Hospitals in Hong Kong generally have a policy that only immediate family members, including husband and wife, children and parents,

can visit the patients in Intensive Care Unit (ICU). This brings up a problem that if a person is not legally married with the patient, he or she is not allowed to visit the patients in ICU even though that person is the love partner of the patient. From the above examples, we can see that a legal proof of relationship is very important for the members of the homosexual couples to enjoy the rights they deserve. And self-identification cannot protect and guarantee the homosexuals to enjoy those rights. Thus, same-sex marriage should be legitimate.

Someone claim that love is about the internal feeling of two individuals. Self-identifying themselves as each other's life partner is enough and law is not necessary to prove the love of the homosexual couples. However, this argument has two problems regarding to the legalization of same-sex marriage. Same-sex marriage is primarily about equality. Based on equality, everyone should enjoy the basic human rights with no difference from each other. Homosexual relationships are just as loving and valid as heterosexual relationships. But the current marriage law suggests it is not. Without the legalization of same-sex marriage, same-sex couples are denied equality by not being allowed to marry each other. The homosexuals are equally human and they should be treated by the law as such. Moreover, homosexual couples will be deprived of their civil rights and social benefits they are supposed to enjoy. As mentioned above, many civil rights and social benefits are only provided to the legally recognized couples. Without legal marriage certificate, the homosexual couples are not allowed to enjoy their civil rights such as applying for a public rental housing as a family unit, hospital visitation right and applying for the partner visa as a married couple (Bray & J.D., 2015).

In conclusion, it is not sufficient for the homosexual couples to simply self-identify themselves as each other's life partner. Without the legalization of same-sex marriage, the individual freedom of the homosexuals to express love publicly cannot be guaranteed. Besides, the decision of the homosexuals on the one that they want to marry and spend the rest of their time with cannot be recognized legally in the current legal system. Furthermore, it will continuously deprive the homosexual couples of their opportunity to enjoy the civil rights and social benefits that they are supposed to get as a citizen, unless the existing marriage law is re-examined and the government makes necessary changes to it. Therefore, same-sex marriage should be legalized to provide protection on the individual freedom and civil rights of the homosexuals.

Reference List

1. Basic Law Art 37, The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (2017).
2. Bray, I., & J.D. (2015, September 17). Legal Requirements for a Marriage-Based Visa or Green Card. Retrieved May 7, 2019, from https://www.nolo.com/legal-encyclopedia/free-books/fiance-marriage-visa-book/chapter2-8.html
3. Campion, E. W., Morrissey, S., & Drazen, J. M. (2015). In support of same-sex marriage. The New England Journal of Medicine, 372(19), 1852-1853. doi:http://dx.doi.org.lib.ezproxy.ust.hk/10.1056/NEJMe1505179
4. Constitutional and Mainland Affairs Bureau. (2014, October 21). The Rights of the Individual. Retrieved May 7, 2019, from https://www.cmab.gov.hk/en/issues/full_code_of_practice.htm
5. Landers, S. (2015). Civil rights and health — beyond same-sex marriage. The New England Journal of Medicine, 373(12), 1092-1093. doi:http://dx.doi.org.lib.ezproxy.ust.hk/10.1056/NEJMp1508488