

Reading Guide #9: Marriage

These reading guides are provided to assist you in your reading. I encourage you to read the material through, first, then go back to answer the questions. You are not expected to hand in written answers. You are expected to have responses ready for class discussion. Page numbers refer to Arthur, *Morality and Moral Controversies*, 7<sup>th</sup> ed.

Elizabeth Joseph, "Polygamy is Good Feminism," pp 311-312.

1. How is plural marriage a paradox?
  2. **According to Joseph, to what compromises concerning children does monogamy lead? How does she avoid these compromises?**
  3. How does plural marriage relieve pressure at dinnertime?
  4. When does Joseph spend time with her husband? How is this time arranged?
  5. **"[Plural marriage] enables women, who live in society full of obstacles, to fully meet their career, mothering, and marriage obligations." Explain.**
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William Bennett and Andrew Sullivan, "Same-Sex Marriage: A Debate," pp 312-315.

Bennett:

1. **What two issues divide the proponents and opponents of same-sex marriages?**
2. How would same-sex marriages "shatter the conventional definition of marriage"?
3. **What does Bennett mean by 'sexual relativism'? What does he see as its consequences?**
4. **What is the relationship between monogamy and marriage? How does Bennett see this relation as an argument against same-sex marriage?**
5. How does Bennett characterize marriage and its basis?

Sullivan:

1. **How does Sullivan distinguish homosexuality from polygamy? Why does he do so?**
2. How does same-sex marriage oppose relativism?
3. **"The truth is, marriage has changed many, many times over the centuries. Each change should be judged on its own terms, not as part of some seamless process of alleged disintegration." (314) Explain.**
4. **How does Sullivan disagree with Bennett over the significance of the existence of open gay male relationships?**
5. **Does male promiscuity serve as an argument against same-sex marriage? Explain.**
6. Does marriage reward monogamy or encourage it? Explain.

Richard Posner, "Selling Babies," pp 323-328.

- 1. If selling babies were legal, would only wealthy people be able to afford them? Explain.**
  - 2. How would legalizing the sale of babies affect the cost of adoption?**
  - 3. What are "hard-to-place" children? How is the present system of encouraging their adoption a "grossly inefficient, as well as covert, method"? (324)**
  4. The idea that a significant number of people are lurking about who if given the chance would buy babies for criminal purposes is a bogeyman." (325) Explain.
  - 5. What changes does Posner recommend to screening procedures for prospective parents under a free market for babies?**
  6. What limits on remedies for breach of contract does Posner recommend?
  7. Why does Posner urge that sales of children be limited to babies?
  8. Should returns of babies be allowed? Explain.
  9. Why does Posner recommend governmental regulation of eugenics programs? What specific restrictions does he support?
  10. How does Posner argue that there is a demand for babies that the free market could satisfy?
  - 11. How would the free market avoid problems of the black market, like baby brokers?**
  - 12. Is selling babies like slavery? Explain.**
  - 13. Do people sell their babies now?**
  - 14. "The question of public policy is not whether baby selling should be forbidden or allowed but how extensive it should be regulated." (328) Explain.**
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Hugh LaFollette, "Licensing Parents," pp 328-336.

1. Which activities do we regulate by insisting that practitioners have a license?
- 2. What two conditions must be fulfilled for us to regulate an activity?**
3. Are our licensing procedures always accurate? Explain.
- 4. "[The] general criteria for regulatory licensing can certainly be applied to parents." (330) Explain. Is LaFollette correct that they can be applied to parents?**
5. Are our basic rights unlimited?
- 6. How are LaFollette's first two interpretations of the right to have children implausible?**
- 7. Describe the third interpretation of the right to have children. How would it lead to licensing?**
- 8. "If the determination is made that someone will maltreat their children, then that person is subject to the limitations of the right to have children and can legitimately be denied a parenting license." (331) Explain.**
- 9. How do worries about prior restraint affect LaFollette's theoretical justification for licensing parents? How does LaFollette defend applying priori restraint in this case?**
10. Do we need to define what good parenting is in order to license parents?
11. How does LaFollette argue against concerns about finding reliable licensing tests?
12. Would the unintentional, or intentional, misuse of licensing tests undermine their legitimacy?
- 13. How would licensing parents be difficult to enforce? How does LaFollette respond?**
14. Describe the parallels between LaFollette's licensing recommendation and our current procedures for adoption.
- 15. "[I]f we continue our practice of regulating the adoption of children...we are rationally compelled to establish a licensing program for all parents." (334) Explain.**
16. Under what conditions would LaFollette consider a tax-incentive system in place of licensing?
17. How does the view that parents own their children account for objections to licensing?